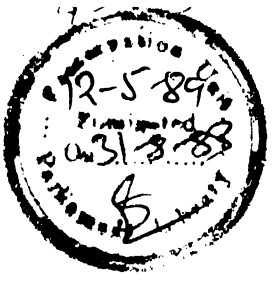


PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME IX, 1951

(7th August to 21st September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

CONTENTS

Volume IX—From 7th August to 21st September, 1951.

	Columns
Tuesday, 7th August, 1951.—	
Member Sworn	1
Oral Answers to Questions	1—27
Written Answers to Questions	27—46
Wednesday, 8th August, 1951—	
Oral Answers to Questions	47—73
Written Answers to Questions	73—92
Thursday, 9th August, 1951—	
Oral Answers to Questions	93—125
Written Answers to Questions	125—154
Friday, 10th August, 1951—	
Oral Answers to Questions	155—183
Written Answers to Questions	183—206
Monday, 13th August, 1951—	
Oral Answers to Questions	207—235
Written Answers to Questions	235—258
Tuesday, 14th August, 1951—	
Oral Answers to Questions	259—293
Written Answers to Questions	293—308
Thursday, 16th August, 1951—	
Oral Answers to Questions	309—338
Written Answers to Questions	338—342
Friday, 17th August, 1951—	
Oral Answers to Questions	343—372
Written Answers to Questions	372—388
Saturday, 18th August, 1951—	
Oral Answers to Questions	389—420
Written Answers to Questions	420—428
Monday, 20th August, 1951—	
Oral Answers to Questions	429—457
Written Answers to Questions	457—472
Tuesday, 21st August, 1951—	
Oral Answers to Questions	473—503
Written Answers to Questions	503—518
Wednesday, 22nd August, 1951—	
Oral Answers to Questions	519—545
Written Answers to Questions	545—566
Thursday, 23rd August, 1951—	
Oral Answers to Questions	567—595
Written Answers to Questions	595—612
Saturday, 25th August, 1951—	
Oral Answers to Questions	613—641
Written Answers to Questions	641—652

	Columns
Monday, 27th August, 1951—	
Oral Answers to Questions	653—684
Written Answers to Questions	684—702
Tuesday, 28th August, 1951—	
Oral Answers to Questions	703—734
Written Answers to Questions	734—742
Wednesday, 29th August, 1951—	
Oral Answers to Questions	743—774
Written Answers to Questions	775—786
Thursday, 30th August, 1951—	
Oral Answers to Questions	787—818
Written Answers to Questions	818—830
Friday, 31st August, 1951—	
Oral Answers to Questions	831—870
Written Answers to Questions	870—876
Monday, 3rd September, 1951—	
Oral Answers to Questions	877—909
Written Answers to Questions	909—932
Tuesday, 4th September, 1951—	
Oral Answers to Questions	933—967
Written Answers to Questions	967—986
Wednesday, 5th September, 1951—	
Oral Answers to Questions	987—1014
Written Answers to Questions	1014—1036
Thursday, 6th September, 1951—	
Oral Answers to Questions	1037—1065
Written Answers to Questions	1065—1074
Friday, 7th September, 1951—	
Oral Answers to Questions	1075—1104
Written Answers to Questions	1104—1120
Monday, 10th September, 1951—	
Oral Answers to Questions	1121—1154
Written Answers to Questions	1154—1164
Tuesday, 11th September, 1951—	
Oral Answers to Questions	1165—1201
Written Answers to Questions	1201—1208
Wednesday, 12th September, 1951—	
Oral Answers to Questions	1209—1256
Written Answers to Questions	1256—1274
Friday, 14th September, 1951—	
Oral Answers to Questions	1275—1309
Written Answers to Questions	1309—1324
Saturday, 15th September, 1951—	
Oral Answers to Questions	1325—1355
Written Answers to Questions	1356—1364

	Columns
Monday, 17th September, 1951—	
Oral Answers to Questions	1365—1400
Statement by Deputy Minister of Defence in Connection with Starred Question No. 747 of 4th September, 1951 re Control Committee on Cantonments	1400—1401
Written Answers to Questions	1401—1414
Tuesday, 18th September, 1951—	
Oral Answers to Questions	1415—1445
Written Answers to Questions	1445—1470
Wednesday, 19th September, 1951—	
Oral Answers to Questions	1471—1500
Written Answers to Questions	1500—1512
Thursday, 20th September, 1951—	
Oral Answers to Questions	1513—1543
Written Answers to Questions	1543—1548
Friday, 21st September, 1951—	
Oral Answers to Questions	1549—1580
Written Answers to Questions	1580—1594

CORRIGENDA

In the Parliamentary Debates (Part 1—Questions and Answers) Fourth Session of Parliament,—1951,

In Volume IX,—

1. No. 7, dated the 16th August, 1951,—

कालम ३३०, पंक्ति १०, "क्या माननीत कृपा" के स्थान पर "क्या माननीय मंत्री जी कृपा" पढ़ें ।

2. No. 8, dated the 17th August, 1951,—

(i) Col. 376, line 14 from bottom *for* "and" *read* "any".

(ii) Col. 380, *delete* the existing line 13 and between lines 15 and 16 *insert* new line "subject. The Central Tractor Organisation".

(iii) Col. 381, *for* the existing line 18 from bottom *substitute* the new line "ture (Shri K. M. Munshi): (a) It is".

3. No. 12, dated the 22nd August, 1951,—

کالم ۵۳۰، آخیر سے سطر ۱۴ ,, آخر ,, کی بجائے ,, آفر ,, پڑھیں ۔

4. No. 13, dated the 23rd August, 1951,—

(i) कालम ६०२, पंक्ति १८ "निपति" के स्थान पर "नियति" पढ़ें ।

(ii) Col. 612 *for* the existing line 4 from bottom *read* "July-December, 1951—January-June".

5. No. 16, dated the 28th August, 1951,—

(i) Col. 723, line 12 for the figures "-14,86" *read* " 14,86".

(ii) Col. 727, line 8 *for* the figures "88,87" *read* "88,872".

6. No. 19, dated the 31st August, 1951,—

कालम ८५०, पंक्ति ४ "मंशी" के स्थान पर "मन्त्री" और नीचे से पंक्ति १७ "और के खिलाफ़" के स्थान पर "और उस के खिलाफ़" पढ़ें ।

7. No. 20, dated the 3rd September, 1951,—

कालम ८९१ नीचे से पंक्ति ४, "उपया" के स्थान पर " रुपया" पढ़ें

8. No. 22, dated the 5th September, 1951,—,

Col. 1014, line 15 *for* the figures "36,00,000" *read* "35,00,000".

9. No. 24, dated the 7th September, 1951,—

(i) Col. 1115, line 8 *for* the words "Laid on the Table" *read* "House".

(ii) Col. 1116, line 25 from bottom *for* "word" *read* "work".

(iii) Col. 1119, transpose the existing lines 7 and 15.

10. No. 29, dated the 15th September, 1951,—

(i) Col. 1327 from bottom line 6 *for* "Teteorotogical" *read* "Meteorological"., and line 7 *for* "in 3 : 2" *read* "is 3·03".

(ii) Col. 1336, line 2 from bottom *for* "convering" *read* "covering".

(iii) Col. 1343, line 7 from bottom *for* "by" *read* "to".

11. No. 30, dated the 17th September, 1951,—

Col. 1400, line 11 from bottom *for* "RECON-" *read* "Re. CON-".

12. No. 31, dated the 18th September, 1951,—

Col. 1434, line 15 *for* "miles" *read* "mills".

13. No. 32, dated the 19th September, 1951,—

(i) Col. 1505, between existing lines 23 and 24 from bottom *insert* new line "being found with money is not".

(ii) Col. 1510, line 13 from bottom *for* "July, 1951" *read* "1st July, 1951".

The Speaker

The Honourable Shri G. V. Mavalankar.

The Deputy-Speaker

Shri M. Ananthasayanam Ayyangar.

Panel of Chairmen

Pandit Thakur Das Bhargava.

Shrimati G. Durgabai.

Shri Prabhu Dayal Himatsingka.

Sardar Hukam Singh.

Shri Manilal Chaturbhai Shah.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

Assistants of the Secretary

Shri A. J. M. Atkinson.

Shri. N. C. Nandi.

Shri D. N. Majumdar.

Shri C. V. Narayana Rao.

GOVERNMENT OF INDIA

Members of the Cabinet

Prime Minister and Minister of External Affairs—The Honourable Shri Jawaharlal Nehru.

Minister of Education—The Honourable Maulana Abul Kalam Azad.

Minister of Home Affairs—The Honourable Shri C. Rajagopalachari.

Minister of Defence—The Honourable Sardar Baldev Singh.

Minister of Labour—The Honourable Shri Jagjivan Ram.

Minister of Health—The Honourable Rajkumari Amrit Kaur.

Minister of Law—The Honourable Dr. B. R. Ambedkar.

Minister of Works, Production and Supply—The Honourable Shri N. V. Gadgil.

Minister of States, Transport and Railways—The Honourable Shri N. Gopalaswami Ayyangar.

Minister of Commerce and Industry —The Honourable Shri Hare Krushna Mahtab.

Minister of Food and Agriculture—The Honourable Shri K. M. Munshi.

Minister of Natural Resources and Scientific Research—The Honourable Shri Sri Prakasa.

Minister of Finance—The Honourable Shri Chintaman Dwarkanath Deshmukh.

Ministers not in the Cabinet

Minister for the purposes of agreement between the Prime Ministers of India and Pakistan of the 8th April, 1950—The Honourable Shri C. C. Biswas.

Minister of State for Transport and Railways —The Honourable Shri K. Santhanam.

Minister of State for Information and Broadcasting—The Honourable Shri R. R. Diwakar

Minister of State for Parliamentary Affairs—The Honourable Shri Satyanarayan Sinha.

Minister of State for Rehabilitation—The Honourable Shri Ajit Prasad Jain.

Minister of State for Finance—The Honourable Shri Mahabir Tyagi.

Deputy Minister of External Affairs—Dr. B. V. Keskar.

Deputy Minister of Commerce and Industry—Shri Dattatraya Parashuram Karmarkar.

Deputy Minister of Defence—Major General Himatsinhji.

Deputy Minister of Works, Production and Supply—Shri S. N. Buragohain.

Deputy Minister of Food and Agriculture—Shri M. Thiramala Rao.

Deputy Minister of Communications—Shri Raj Bahadur.

GIPD—US—235-PSD—18-12-52—450.

THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

PARLIAMENT OF INDIA

Tuesday, 18th September, 1951

The House met at a Quarter to Eleven of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

TRADE AGREEMENT WITH TIBET

*246. **Shri Krishnanand Rai:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any trade agreement exists between India and Tibet;

(b) whether any statistics exist of the amount of export and import between India and Tibet and if so, what were the figures for 1950-51; and

(c) whether trade between India and Tibet has been affected recently in any way and if so, in what way?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). No, Sir.

Shri Krishnanand Rai: May I know whether unrestricted movement of Indian and Tibetan traders to and fro India and Tibet is still going on at present as in the past?

Shri Mahtab: There is of course no unrestricted trade but it is impossible to impose any restriction there. The statistics are kept only from the accounts obtained from the nearest railway stations on the border, and these show the trade between India on the one side and Nepal, Sikkim, Tibet and various other countries on the other. So, the rough statistics are maintained in that way. But as I said it is very difficult to impose any kind of restriction as in the case of sea-borne trade.

Shri Krishnanand Rai: May I know whether that trade route between India and Tibet which was controlled by the Indian Army in the past, is still controlled by the Indian Army or now by the Chinese Army?

Shri Mahtab: I am told there has been no change in the system—the old system is continuing.

Dr. Ram Subhag Singh: May I know whether we have any agency which regulates our trade with Tibet?

Shri Mahtab: That is usually done through our import-export control regulations.

Dr. Ram Subhag Singh: May I know whether the Chinese Government has advised the Government of India to withdraw our trade agent who was in Lhasa formerly?

Shri Mahtab: I don't think there has been any such action.

Shri Chattopadhyay: Has there been any contraction of our trade with Tibet since the establishment of Chinese suzerainty over that country?

Shri Mahtab: There has not been any appreciable reduction in trade.

COTTON MILLS

*248. **Shri Sidhva:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number and names of cotton mills which have stopped working due to shortage of cotton this year up to date;

(b) the number of mills that have stopped working partially or wholly, separately;

(c) the resultant loss in production due to this partial or total closing of the mills;

(d) whether there is any chance of cotton being supplied hereafter to the mills; and

(e) whether the imports from foreign countries have been to the extent required by the Government?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). A statement is placed on the Table of

the House. [*See* Appendix VII, annexure No. 15.]

(d) So far as Indian cotton is concerned allocations for 1950-51 crop are over. Allocations for the purchase of new Indian cotton crop of 1951-52 will be issued during November 1951. As regards foreign cotton those mills which had placed forward orders against import licences will be receiving supplies as and when shipments arrive.

(e) Yes, Sir.

Shri Sidhva: From the statement it appears that the Madras Spinning and Weaving Mills Ltd. was closed from 1st January up to date whereas some fourteen other mills were closed and reopened. May I know the reason why the Madras Mill still remains closed? Was cotton not available to it?

Shri Mahtab: So far as I remember, there was a specific question about this Mill, I think, in the last session of Parliament. There were various reasons for the closing down of this particular mill. As you know, whenever the allocations of cotton are made, it is for the mills to take advantage of them and purchase them if they are in regular order. So far as our report goes, this Spinning and Weaving Mill has not taken advantage of the allocations because of some other difficulties.

Shri Sidhva: Am I to understand that due to some defect in the machinery of management they have not taken advantage of the allocations?

Shri Mahtab: Our report shows that it is on account of defective management.

Shri Sidhva: With regard to part (e), the hon. Minister has replied in the affirmative meaning that imports from foreign countries have been to the extent required by Government. May I know if orders have been placed for the full requirements of Indian mills for the following year also and are we likely to get our requirements?

Shri Mahtab: Licences have been issued to the full extent and I have reason to believe that the licensees must have placed orders by this time.

Shri Sarangdhar Das: The hon. Minister said that the closure of the mill was due to some defect in the management. Will the Government make any effort to take over the mill or correct the management in some way?

Shri Mahtab: There is no law at present under which the Government can take it over. When the Industries Bill is passed Government will be empowered to take action in this matter.

BLACK PEPPER (EXPORT TO U.S.A.)

*249. **Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the items of our export to the U.S.A. include black pepper also; and

(b) if so, what was the total value of our export of black pepper to the U.S.A. in the years 1949-50 and 1950-51?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes, Sir.

(b) The value of pepper exported to the United States of Amrica during 1949-50 and 1950-51 was Rs. 7,44,67,599 and Rs. 13,96,12,509 respectively.

Dr. Ram Subhag Singh: May I know whether the export price of our pepper to U.S.A. is the same as our export price to other countries?

Shri Karmarkar: It has to be the same.

Shri Alexander: May I know the export duty realised on export of pepper during the last two years?

Shri Karmarkar: I would like to have notice for the quantum of export duty realised for different periods.

COTTON PRICES

*254. **Shri Kshudiram Mahata:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the prices of Indian cotton in 1939, 1946 and 1951; and

(b) the prices of foreign cotton imported in 1951 and the prices of such cotton in 1939 and 1946?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). Statements showing the requisite information in respect of the cotton years (September-August) 1938-39, 1945-46 and 1950-51 have been laid on the Table of the House. [*See* Appendix VII, annexure No. 16.]

Shri Kshudiram Mahata: May I know which of the foreign countries' cotton is used for the manufacture of fine and superfine cloth?

Shri Mahtab: It is only foreign cotton which is used in the manufacture of fine and superfine cloth. Indian cotton is used only for coarse and medium cloth.

Shri Kshudiram Mahata: My point is this. From five or six foreign countries we import cotton. Cotton from which of those countries is used for the manufacture of fine and superfine cloth?

Mr. Deputy-Speaker: That was answered a short time ago : Egypt U.S.A., etc. All these details have been given.

Shri Mahtab: Egyptian cotton, American cotton and East African cotton, all these are used in the manufacture of fine and superfine cloth.

Shri Krishnanand Rai: Is it not a fact that the prices of cotton, both indigenous and imported, have not risen to the same extent as prices of cloth in this country?

Shri Mahtab: I have explained that on many occasions. The price of cloth is mainly dependent on the price of cotton; about 50 per cent. of the price of cloth relates to the price of cotton and the remaining 50 per cent. represents the workers charges and various other items according to the Tariff Board formula.

Shri Sarangdhar Das: May I know if any of the imported cotton is used partly in coarse and medium cloth, mixed with Indian cotton?

Shri Mahtab: Yes, some mixture also takes place and there is a certain formula according to which that mixture takes place.

Shri Sarangdhar Das: What is the percentage?

Shri Mahtab: That I cannot say—it is a very technical matter.

Shri Kshudiram Mahata: The hon. Minister said that the prices of fine and superfine cloth have risen mainly due to the increase in prices of cotton. But from calculation it appears that in the case of a pair of superfine *dhoties*, the rise in price due to cotton prices comes to Rs. 2 whereas the ex-mill price of the same has increased by six or seven rupees.....

Mr. Deputy-Speaker: We are going away from cotton prices to cloth prices. I am not going to allow the straying away of hon. Members from the main question.

Rev. D'Souza: From the answer of the hon. Minister are we to conclude that what are known as superfine Indian muslins are really made out of foreign cotton?

Shri Mahtab: That is so.

Shri A. C. Guha: In view of the fact that the price of cotton has appreciably gone down, is there any prospect in the near future of the price of textiles being reduced?

Shri Mahtab: There is no doubt about that, because whenever the price fixation is made the price of cotton in the past month is taken into account and if the price of cotton will come down accordingly the price of cloth will also come down. In October there is likelihood of further reduction in cloth prices.

Fair Price Cloth Shops

*259. **Sardar Hukam Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of fair price shops in Delhi and New Delhi for the distribution of cloth;

(b) the total number of families registered with these shops; and

(c) whether there is any proposal to increase the number of these shops?

The Minister of Commerce and Industry (Shri Mahtab): (a) There are at present 230 Fair Price Shops in Delhi and New Delhi for the distribution of cloth.

(b) The total registration of families with these shops is 3,36,773.

(c) No, Sir.

Sardar Hukam Singh: Have Government received any complaint that the present number is not sufficient to cater to the needs of the ration card holders?

Shri Mahtab: The complaint has been received from many licence-holders that they have been unemployed because of the reduction in the number of Fair Price Shops. The matter has been taken up and I am personally looking into it.

Shri A. C. Guha: In view of the fact that ration card holders are permitted to draw cloth only on a particular date according to the last numeral in the number of their ration card (and this has been causing difficulties to ration card holders), may I know whether Government are ready to do away with this system, especially as cloth is available now freely?

Shri Mahtab: Only recently I made an enquiry about this date business. I was told by the authorities of Delhi that they do not insist upon the dates now because cloth is available in large quantities. In fact, production of ration cards is also not insisted upon

in some cases. That is so in Delhi. I am not aware of the circumtances in other S.ates.

Shri Krishnanand Rai: May I know whether Fair Price Shops have been opened in the rural suburbs of Delhi?

Shri Mahtab: I am not aware of it.

Dr. Ram Subhag Singh: The hon. Minister stated just now that some three lakhs of families of Delhi are regis ered with the Fair Price Shops. May I know what is the source of supply to the other persons of Delhi?

Shri Mahtab: These shops are really controlled directly by the Civil Supply Authorities. Apart from these, there are other shops also such as the free sale shops opened by mills.

Shri Sidhva: Three lakhs of families mean fourteen lakhs of people in point of numbers.

Pandit Munishwar Datt Upadhyay: Has the hon. Minister any idea of the number of retail shops that have been affected by the introduction of the Fair Price Shops system?

Shri Mahtab: So far as my present information goes, (according to the complaint of the licence-holders), whereas there were 1,700 licencees previously and all of them are dealing in cloth, we have now only 1,000 Shops, and the remaining are unemployed. They want to be grouped also and given some advantage in cloth trading.

Pandit Munishwar Datt Upadhyay: What steps have been or are being taken to help those who have been affected?

Shri Mahtab: I have asked the Chief Commissioner to look into the matter. I have written a personal le ter to him. This is entirely a responsibility of the Delhi State Authorities. If we interfere too much, it is possible that we may not be able to manage the whole affair.

Shri Sondhi: What is the difference between an official letter and a personal letter that he has written to the Chief Commissioner?

Shri Mahtab: Official letter is signed by the Secretary and personal letter is signed by the Minister.

Dr. Ram Subhag Singh: May I know whether the prices of similar varie ies of cloth at the Fair Price Shops and the shops opened by mills are the same?

Shri Mahtab: Yes.

UMBRELLAS

*263. **Shri Raj Kanwar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number and value of umbrellas imported into the country from abroad during the last three years;

(b) the names of factories in India where umbrellas or their parts and especially ribs are manufactured; and

(c) the total annual output of such factories?

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix VII, annexure No. 17.]

Shri Raj Kanwar: May I take it that India has attained self-sufficiency in the matter of umbrellas? The figures given in the statement show considerable fluctuation.

Shri Mahtab: Although we have not been allowing import of umbrellas we have been allowing imports of large quantities of ribs and other components of umbrellas which are being assembled here. These componen s are not sufficiently available in India at the present moment.

Shri Raj Kanwar: What concessions, if any, have been given by Government to the umbrella industry?

Shri Mahtab: Assistance will be given to his industry as in the case of other industries, but up till now no representation has been received from the umbrella industry.

Shri Raj Kanwar: Are there any factories in India which manufacture the type of cloth required for umbrellas?

Shri Mahtab: Some quantity of umbrella cloth is made in India, but it is not to the extent required.

सेठ गोविन्द दास : छातों के जो सामान बाहर से आते हैं, उन में से कुछ तादाद यहां भी बनती है या सब चीजें बाहर से आती हैं ? और जहां तक बाहर से चीजों के आने का सम्बन्ध है क्या यह आशा की जा सकती है कि निकट भविष्य में छातों का सब सामान यहां बनने लगेगा और बाहर से कुछ नहीं मंगाया जावेगा ?

[**Seth Govind Das:** Are all the components of umbrellas imported from

abroad or are some of them also manufactured in this country? Further, so far as their imported quantity is concerned, is there any likelihood of that quantity being manufactured in the country itself in near future thus meeting the entire requirements in respect of the imported quantity?]

श्री महताब: यह तो स्टेटमेंट में बतलाया गया है कि छातों में जो चीजें लगती हैं उन में से कुछ यहां पर बनती हैं और कुछ बाहर से आती हैं। लेकिन सब सामान कब यहां बन सकेगा यह मैं नहीं कह सकता।

[**Shri Mahtab**: It has already been shown in the statement that some of the components are manufactured here while others are imported from outside. But I cannot state when all those components will begin to be manufactured here.]

Shri Jnani Ram: May I know the quantity of umbrella cloth imported last year?

Shri Mahtab: I require notice.

Mr. Deputy-Speaker: Without cloth, what is the use of the component parts? When such details are asked, the hon. Minister must come prepared with the information about cloth also.

The Deputy Minister of Commerce and Industry (Shri Karmarkar): About cloth the policy is that 100 per cent. of the past year's imports by established importers is allowed from soft currency countries, but the hon. Member wants to know the exact quantity of cloth imported. For that notice is required.

Mr. Deputy-Speaker: Any how, that information could have been brought.

Shri Alexander: How does the quality of umbrella cloth manufactured in India compare with the imported cloth?

Mr. Deputy-Speaker: Users must know.

EXPORT OF JUTE BY MILLS

*265. **Shri A. C. Guha**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of jute mills who were themselves exporting jute goods during the year 1950;

(b) whether there have been any cases where the Managing Agents or the Managing Directors of jute mills were exporting jute goods either in their own name or in the name of some associate firms; and

(c) how many of these were exporters in 1948 and 1949?

The Ministry of Commerce and Industry (Shri Mahtab): (a) 7.

(b) Yes—18 Managing Agents and 15 Associate firms.

(c)	1948	1949
Mills	4	4
Managing Agents	17	17
Associate firms	9	12

Shri A. C. Guha: According to the figures given by the hon. Minister, some of the firms and managing agents who were not shippers in 1948-49 have been allowed to become shippers in 1950. May I know the reasons for this?

Shri Mahtab: The 1950 figures are not here. So far as my information goes, there were some changes in rules after 1948 when the jute control was introduced. It is just likely that at that time some new people came in. But I shall make enquiries; I have not got the figures.

Shri A. C. Guha: May I know what was the quantity of jute goods which were exported by these managing agents and associate firms?

Shri Mahtab: I require notice of that particular question. I have not got the break-up with me.

Shri A. C. Guha: May I know if the Government has got any idea about the amount of undeclared profits that these managing agents and firms have made in the course of these transactions?

Shri Mahtab: I think that matter was discussed in the House some time back. It is known they made some profit, but the exact figure of undeclared profits is not known. It is presumed that a large amount of undeclared profit was made by them.

Shri A. C. Guha: Is the Government also aware that by this process these managing agents and associate firms have been practically defrauding the shareholders of their due share?

Mr. Deputy-Speaker: Undisclosed profits must go somewhere in somebody's pockets.

Shri Sondhi: The Minister of State for Finance may be aware of it.

The Minister of State for Finance (Shri Tyagi): If anybody could give me the clue, I shall be thankful.

Dr. Ram Subhag Singh: May I know, Sir, whether it is a fact that because of the high export duty on jute, there is an apprehension of India losing her market abroad?

Mr. Deputy-Speaker: It is not relevant to this question.

Shri Sondhi: There is a separate question on this subject.

MOTOR VEHICLES (DISTRIBUTION)

*267. **Shri Jnani Ram:** Will the Minister of **Commerce and Industry** be pleased to state whether distribution of imported motor vehicles is controlled?

The Minister of Commerce and Industry (Shri Mahtab): No control is exercised by the Central Government on the distribution of motor cars, buses, trucks etc.

Shri Jnani Ram: May I know if the motor cars imported are sufficient for the country's requirements?

Shri Mahtab: Whether it is sufficient or not cannot be said, but from the prices it appears that it is not sufficient.

Shri Krishnanand Rai: May I know whether the import of motor vehicles is controlled and if so in what way?

Shri Mahtab: Import is controlled by putting a ceiling, as is usual in all cases of imports.

ECAFE CONFERENCE AT SINGAPORE

*273. **Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of India have decided to participate in the ECAFE Conference on trade promotion to be held at Singapore;

(b) if so, whether delegates have been selected; and

(c) what are the important subjects to be discussed in the Conference?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes, Sir.

(b) The matter is under consideration.

(c) Important subjects for discussion are :

(i) country by country discussion of current marketing situation and problems;

(ii) methods of improving trade promotion machinery in countries of the region;

(iii) methods of expanding trade including discussion of trade agreements, import and export controls as well as standardisation of commercial products and terms and use of commercial arbitration, and

(iv) impact of re-armament on trade in capital and consumer goods in the region.

Shri S. N. Das: May I know the date on which the Conference is proposed to be held?

Shri Mahtab: The dates tentatively fixed are from the 9th to the 18th of October 1951.

Shri S. N. Das: May I know whether the Government of India was consulted in settling the items of the agenda?

Shri Mahtab: They had sent the draft agenda to us; it is prepared after mutual consultation.

Shri S. N. Das: May I know whether there is any special aspect of trade in India which is going to be considered?

Shri Mahtab: I have already read out the items on the agenda. It will be seen that the special problems of all the countries in the Far East and South East Asia will be considered.

Shri Krishnanand Rai: May I know what other countries have agreed to participate in this Conference?

Shri Mahtab: So far as my present information goes all those countries which participated in the Lahore ECAFE Conference have agreed to participate in this conference.

SYNTHETIC PETROL

*274. **Shri Sidhva:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether any report has been given for Indian synthetic oil by a foreign firm and if so, what is the name of the firm and the amount paid for preparing such a report?

(b) What are the recommendations in the report regarding the total production of petrol from coal for the requirements of India?

(c) What is the cost of production per gallon?

(d) Have Government considered this report and if so, what is the decision?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes, Sir, by Messrs. Koppers Company, Pittsburgh, U.S.A. The amount paid for preparing the report was Rs. 2,73,392.

(b) Messrs. Koppers have recommended a small synthetic petrol plant which would produce 70,000 tons of aviation petrol, 28,000 tons motor petrol, 1,800 tons refined phenols and 500,000 tons of domestic coke per annum. The capital investment was

estimated at Rs. 20·87 crores with a yearly profit of Rs. 1·49 crores.

They further recommended a bigger plant which would produce 100,000 tons of aviation petrol, 85,000 tons of motor petrol, 3,600 tons of refined phenols and 1 million tons of domestic coke per annum at a capital cost of Rs. 31·6 crores and an estimated profit of Rs. 3·59 crores.

(c) The cost of production was estimated at Rs. 0-12-4 per gallon for aviation petrol and Rs. 0-10-5 for motor petrol.

(d) The Report was examined by the Synthetic Petrol Committee of the Council of Scientific and Industrial Research, and the Planning Commission, but no final conclusions have so far been reached in the matter.

Shri Sidhva: In view of the essential nature of this commodity do Government intend giving favourable consideration to this report for the purpose of starting this industry?

Shri Karmarkar: We are considering the matter seriously.

Shri Sidhva: May I know what is the amount of capital required only for starting the aviation spirit industry?

Shri Karmarkar: My hon. friend ought to know that in this scheme of production one cannot be separated from the other. The whole thing is one composite whole out of which comes aviation petrol and motor spirit. It will therefore not be economical to consider the proposal for the production of aviation fuel.

Shri Sidhva: Is it a fact that if the aviation spirit production is started it will bring profit to the State and the amount required would be small? In view of that have Government considered the proposal to make India self-sufficient in aviation fuel?

Shri Karmarkar: At the moment I am not aware of any such isolated recommendation—but I shall look into it.

Shri Sondhi: How long will it take Government to come to a final decision in the matter?

Shri Karmarkar: Like every other matter, as early as possible.

Shri Chattopadhyay: How long has this matter been under consideration?

Shri Karmarkar: Koppers submitted their supplementary report in December 1949. Since then it has been under Government's consideration. The hon. Member will appreciate that part of the reasonable delay is due to the difficulty of money to be invested in this enterprise.

Shri Sondhi: Is there any chance of finalisation of this matter within the lifetime of this Parliament?

Shri Karmarkar: As I have already said it is a question of finding the capital. On the merits of the scheme, we have agreed with the principle involved.

Shri Sidhva: May I know whether Government have considered the necessity and urgency of starting this industry?

The Prime Minister (Shri Jawaharlal Nehru): The question ultimately—as most other questions—is one of priorities. It is an important thing; it is a desirable thing; it is a necessary thing. But it involves such a large sum of capital that the question is whether all that capital should be put in that scheme, or in some other scheme which is considered equally or more urgent. That is a difficult question to decide and it has to be decided not only from the long-term point of view but from the short term point of view as well, that is to say, something which has got to be done in the next year. A scheme like this may take two or three years. While we have to put a large sum of money into it which brings no results for a period of time, that money may be utilised for a short-term plan. All these matters have to be considered carefully.

Shri Sarangdhar Das: May I know, Sir, if the Government of Orissa had advanced money to a firm to make preliminary investigations into the possibility of extracting petrol from Talcher coal before this scheme was drawn up by the American firm?

The Minister of Commerce and Industry (Shri Mahtab): That report was also considered along with Koppers' report.

Shri Barman: What are the main ingredients or raw materials of synthetic petrol—are they all indigenous or imported, and if so what is the quantity?

Shri Karmarkar: Most of it is indigenous.

Shri Barman: What is it?

Shri Mahtab: Coal.

Shri Sarangdhar Das: May I know if the American firm went into the previous investigation on the production of synthetic petrol from Talcher coal?

Shri Mahtab: My friend is mistaken. It is not an American firm. It is a French firm who have investigated into Talcher coal and their report also is there. Koppers also have investigated into Talcher coal.

कपड़े की क़ीमतें

*२७५. **सेठ गोविन्द दास :** क्या वाणिज्य तथा उद्योग मन्त्री यह बतलाने की कृपा करेंगे कि क्या सरकार को यह ज्ञात है कि गत दो महीनों में कपड़े की क़ीमतें बढ़ गई हैं, यदि बढ़ गई हैं तो उन्हें कम करने के लिये कौन से पग उठाये जा रहे हैं ?

Cloth Prices

[*275. **Seth Govind Das:** Will the Minister of **Commerce and Industry** be pleased to state whether Government are aware of the increase in cloth prices during the last two months, and if so, what steps are being taken to bring them down?]

The Minister of Commerce and Industry (Shri Mahtab): There has been no increase in the prices of coarse and medium cloth produced from the indigenous cotton. For the quarter April to June 1951 there was increase in the prices of fine and superfine cloth in view of high prices of foreign cotton from which these varieties are produced. From 1st July 1951, the prices of these varieties have been reduced on account of prices of foreign cotton having gone down.

सेठ गोविन्द दास : क्या धोतियों और साड़ियों की क़ीमत में भी इन महीनों में कोई फ़र्क़ नहीं पड़ा और क्या मीडियम और कोर्स धोतियों और साड़ियों की क़ीमत वही है जो पहले थी ?

[**Seth Govind Das:** Has there been no change in the prices of *dhoties* and *sarees* also during these months and, further, do the prices of medium and coarse *dhoties* and *sarees* also remain unaltered?]

Shri Mahtab: As the cotton price has remained the same in India the price of medium and coarse cloth has not changed. It is the same as it was two months before. But the prices of other varieties have been reduced because of the reduction in the price of cotton.

सेठ गोविन्द दास : क्या यह बात सही नहीं है कि चाहे मीडियम और कोर्स क्लाथ में फ़र्क़ न पड़ा हो, लेकिन धोतियों और साड़ियों की क़ीमत में मीडियम और कोर्स में क़रीब क़रीब सब जगह इन की क़ीमत बढ़ी है ?

[**Seth Govind Das:** While there may not have been any change in the prices of the medium and coarse cloth, is it not a fact that there has been a rise in the prices of medium and coarse *dhoties* and *sarees* almost everywhere?]

Shri Mahtab: It is not a fact.

सेठ गोविन्द दास : क्या यह आशा की जाती है कि अब आगे को मीडियम और कोर्स क्लाथ की क़ीमत भी घटेगी ?

[**Seth Govind Das:** Are the prices of medium and coarse cloth expected to fall in the future?]

Shri Mahtab: That will depend on the price that will be fixed for the Indian cotton. Unless that price is fixed I cannot anticipate matters now. The price will be fixed in November next.

सेठ गोविन्द दास : जब कि बाहर की रूई की क़ीमत घटी है, तब क्या यह आशा की जाती है कि हिन्दुस्तान की रूई की क़ीमत भी घटने की कोई सम्भावना है ?

[**Seth Govind Das:** In view of a fall in the prices of foreign cotton, is there any likelihood of a fall in the prices of Indian cotton also?]

Shri Mahtab: The fact is, as the hon. Member knows and as everybody knows, the prices of foreign cotton are coming down rapidly. Whether in consideration of that the prices of Indian cotton also should be reduced is a matter for conjecture at this stage I must leave it to time.

श्री जांगड़े : क्या माननीय मन्त्री यह बतलायेंगे कि गत १२ महीनों में मीडियम और कोर्स क्लाथ की धोतियों और साड़ियों की क़ीमत में कितने प्रतिशत की वृद्धि हुई और अगर हुई है तो क्यों हुई है ?

[**Shri Jangde:** Will the hon. Minister please state what percentage increase has there been in the prices of medium and coarse *dhoties* and *sarees* and the reason therefor?]

श्री महताब: वृद्धि हुई है, कह दिया था और उस के फ़ीगर्स भी दे दिये थे, काटन का भाव बढ़ गया था, इस लिये यह वृद्धि हुई ।

[**Shri Mahtab**: There has been an increase the figures of which were given. The reason was the increase in the price of cotton.]

श्री द्विवेदी: क्या कारण है कि कोर्स वेराइटी की साड़ियों की कीमत बढ़ने पर भी पब्लिक को उस की जरूरत के मुताबिक़ धोतियां नहीं मिलतीं।

[**Shri Dwivedi**: In spite of an increase in the prices of coarse variety *dhoties*, why is there not enough supply to meet the demand of the public?]

श्री महताब: मैं ने बतलाया था कि इंडियन काटन, जितना हम कोर्स और मीडियम क्लाथ बनाना चाहते हैं, उस के लिये अवेलेबुल नहीं है, जितनी हमें काटन चाहिये उतनी नहीं मिलती है, अगर पाकिस्तान की काटन हमें अवेलेबुल हो जायगी, तो मैं समझता हूं कि यह समस्या अक्टूबर-नवम्बर तक ठीक तरह से हल हो सकती है ।

[**Shri Mahtab**: As I said the Indian cotton is not available in sufficient quantity to meet all our requirements of coarse and medium cloth. If Pakistan cotton becomes available to us, I think the problem can be solved by October or November.]

Shri S. C. Samanta: May I know whether the price of *dhoti* or *saree* that was increased due to the stoppage of import of cotton from Pakistan has decreased now or is on the same level?

Shri Mahtab: It is on the same level.

श्री कृष्णानन्द राय: क्या सरकार को यह पता है कि इस बार धोतियों, साड़ियों और नये कपड़ों पर भी जो भाव छापे गये हैं, वह ब्लेक मार्केटिंग प्राइस से भी ज्यादा हैं ?

[**Shri Krishnanand Rai**: Are the Government aware that the rates stamped this time on *dhoties* and *sarees* and new varieties of cloth are higher than even the black market prices?]

श्री महताब: अगर उन की क़ीमत ब्लेक मार्केटिंग प्राइस से ज्यादा हो जायगी, तब ब्लेक मार्केटिंग कैसे हो सकेगी ?

[**Shri Mahtab**: Considering the fact that their prices are higher than the black market prices what chance is left for the black market to prevail?]

श्री कृष्णानन्द राय: क्या सरकार को यह पता है कि भाव ज्यादा होने के कारण कपड़ा बिक नहीं रहा है और मिलओनर्स सरकार के पास यह रिप्रेजेन्टेशन रखने वाले हैं कि बाजार में कपड़े का फ्लड हो गया है और इस लिये उन्हें कपड़ा ऐक्सपोर्ट करने की इजाजत मिल जाय ?

[**Shri Krishnanand Rai**: Are the Government aware that the cloth is not selling in the market due to prevailing high prices and that the mill-owners are going to make a representation to the Government seeking permission for the export of cloth because of the market being flooded with the same?]

श्री महताब: अभी तक कोई रिप्रेजेन्टेशन नहीं किया है, अगर करेंगे तो उस को सुना नहीं जायगा ।

[**Shri Mahtab**: They have made no representation so far: if they do, that will not be considered.]

Ch. Ranbir Singh: May I know whether Government is aware of the fact that the prices charged by Birla Mills and Delhi Cloth Mills are comparatively higher than those of any other mills?

Shri Mahtab: I do not think so. Prices are fixed according to a fixed formula. A particular mill cannot fix a higher price and another mill cannot fix a lower price. It is according to a set formula.

Mr. Deputy-Speaker: It is according to the variety of cloth and not according to mills.

Shri Mahtab: It is not from mill to mill but from variety to variety.

Shri R. K. Chaudhuri: Has the attention of Government been drawn to the announcement of the Delhi Cloth Mills that fine and superfine cloth would be available in all their shops at moderate prices? But nothing has been mentioned about coarse and medium cloth which is so much in popular demand.

Shri Mahtab: That is because the production in the Delhi Cloth Mills is usually of fine and superfine cloth. The coarse and medium varieties are produced elsewhere. Coarse and medium varieties are not produced here and are brought here from other mills. The main production in Delhi mills is of fine and superfine cloth.

श्री द्विवेदी: क्या मैं जान सकता हूं कि इन धोतियों और साड़ियों के मूल्य को मुक़र्रर करने के लिये क्या ढंग या प्रणाली मुक़र्रर की गई है और उस के लिये क्या कोई कमेटी है और अगर ऐसी कमेटी है तो क्या उस में टेक्सटाईल का ज्ञान रखने वाले लोग हैं ?

[**Shri Dwivedi:** May I know the procedure adopted in fixing the prices of these *dhoties* and *sarees* and whether there is a Committee, if any, for that purpose including persons having knowledge of textiles?]

श्री महताब: उस में काफ़ी कौम्पीटेंट टेकनीशियन्स हैं और वह सेल प्राइस फिक्स करते हैं, यह हो सकता है कि कहीं कहीं मिल्स ग़ैरक़ानूनी तौर पर ज्यादा प्राइस ले.बस कर देती हैं, तो ऐसा करने वालों को पकड़ा जाता है और उन को प्रासीक्यूट किया जाता है और इस सिलसिले में काफ़ी मिलओनर्स प्रासीक्यूट हुए हैं ?

[**Shri Mahtab:** There are a number of competent technicians and they fix the sale price. It is possible that some mills might fix unauthorized prices in some cases, but in such cases they are caught and prosecuted and many millowners have been prosecuted in this connection.]

Dhoties and Sarees

*278. **Shri Ghule:** (a) Will the Minister of **Commerce and Industry** be pleased to state what was the total production of *Dhoties* and *Sarees* in the month of May and June, 1951 as compared with the production in the months of January and February, 1951?

(b) What was the production of these articles in these months, i.e., May and June, in the years 1949 and 1950?

The Minister of Commerce and Industry (Shri Mahtab):

(figures in bales of 1,500 yards each)

	Period	Dhoties	Sarees
(a)	January, 1951	9,179	7,326
	February	12,233	12,069
	May	52,385	27,767
	June*	57,230	24,837
(b)	May, 1949	54,887	36,015
	June, 1949	56,454	36,981
	May, 1950	16,311	21,549
	June, 1950	20,734	23,611

*These figures are exclusive of the packings of 15 mills whose returns for June, 1951 have not yet been received.

Shri Ghule: According to the statement the production of *sarees* in June 1951 is considerably less than what it was in June 1949. May I know the reason for it?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): If I may intervene I should like to inform the House of certain basic difficulties in the situation which we seem to miss. The relative proportion between fine and superfine cloth on the one hand and coarse and medium on the other has changed owing to reasons beyond our control and which we could not easily correct. In 1949 the proportion was 76 coarse and medium, and 24 fine and superfine. In 1950 the proportion came down from 76 to 60 coarse and medium, and 40 fine and superfine. Owing to this year's difficulty in regard to cotton the relation has been still worse with respect to coarse and medium, and the proportion is 52 coarse and medium and 48 fine and superfine. That is the basic difficulty in the situation owing to the want of suitable type of short staple cotton which we cannot get. We have to wait.

With reference to my hon. friend's question, it is a fact that the production of *sarees* has decreased from 36,931 bales in June 1949 to 24,837 bales in June 1951 in spite of our best efforts, because a large amount of *sarees* belongs to coarse and medium variety for which the suitable type of cotton is wanting. That is the basic difficulty in the situation which we cannot get over unless we get suitable cotton from Pakistan or step up our own production.

Shri Ghule: May I know why this basic difficulty does not apply in the case of *dhoties*, because the production of *dhoties* in June 1951 is rather more than what it was in June 1949?

Shri Mahtab: The hon. Member knows that at his instance mainly the production control was exercised with regard to the production of *dhoties* and *sarees*. That was done I think about February of this year. And it will be seen from the figures that the production of *dhoties* and *sarees* shows a definite and steady improvement since that time.

In 1949 in addition to the reasons which have been explained by my hon. friend, the other reasons are: there was no production control, that is to say the mills were at liberty to produce whatever they liked and also because of the permission given to the exporters to export to any extent they like. They began to produce varieties which were not required here and therefore, they did not produce *dhoties* and *sarees*. After this production control was introduced the situation has improved considerably and with regard to the quantity of *sarees*—I explained it here the other day—the system from July is that Government will let the Textile Commissioner know their requirements for one month at least and accordingly the Textile Commissioner will try to control the position in the mills. If more *sarees* are required by the State Governments, of course, more *sarees* will be produced but today the production is being made according to the requirements as intimated by the State Governments.

Shrimati Renuka Ray: Is it not possible to get the coarse and medium cotton from any other area other than Pakistan?

Shri Mahtab: It is grown only in India and Pakistan.

Shri Ghule: Now that the attention of the Government is drawn to the fact that some mills are preparing one yard broad *dhoties* and are violating the spirit of the Control Order on *dhoties* and *sarees*, what steps do Government intend to take to check this process?

Shri Mahtab: Since this was brought to my notice, the Textile Commissioner has been asked to make a detailed investigation into the thing and it will be seen that the Production Control orders are strictly enforced and obeyed by the mills.

Shri Ghule: Is the Government aware that there is no limit as regards the width of *dhoties* in the Production Control Order and so by simply ordering the Textile Commissioner to see that the Production Control Order is obeyed, the matters won't get mended.

Shri Mahtab: The other day I read the order. That is a specific order and the width is given but it is possible to circumvent that order. But why should they circumvent that order? The thing is not exported but it is to be sold here and if the thing is not to be sold here, I do not know what is the purpose of producing those varieties. Anyhow that matter is being looked into.

Shri Sondhi: Why this preference for *dhoties* as against *sarees*—the production of *sarees* has gone down?

Shri Mahtab: That is perhaps because of predominance of men over women.

Shri R. K. Chaudhuri: With reference to the reply which was given by the hon. Minister just now about the Delhi Cloth Mills, may I ask him why he does not call upon the Delhi Cloth Mills to produce more *dhoties* and *sarees* instead of fine and superfine cloth which is only in demand by fashionable ladies?

Shri Mahtab: *Dhoties* and *sarees* are something different from fine and superfine *dhoties*. Fine and superfine *dhoties* are also made. The machinery of the Delhi Cloth Mills is such that it can produce only fine and superfine cloth. We cannot compel a finer machine to produce coarse and medium cloth because that will be uneconomic and if more coarse and medium *dhoties* and *sarees* are needed the Delhi State Government should requisition the quantity from the other mills and that will be supplied according to availability.

Shri R. K. Chaudhuri: They manufacture coarse bed-sheets and why can't they...

Mr. Deputy-Speaker: Next question.

SILK

*279. **Shri Amolakh Chand:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount actually spent on the Central Silk Board, India, in the last financial year 1950-51 and the increase in silk production in India during this period;

(b) the total demand of silk in India and the total production as well as the acreage under cultivation of mulberry trees and Japanese grafts in the year 1950-51; and

(c) the estimated gross increase in silk production in the current financial year 1951-52?

The Minister of Commerce and Industry (Shri Mahtab): (a) The actual amount spent by the Central Silk Board during 1950-51 was Rs. 3,30,227-10-6 and the increase in the production of raw silk during this period was over 3 lakh lbs.

(b) India's total annual demand for raw silk is estimated to be about 40 lakh lbs. During 1950-51 the indigenous production of raw silk was over 22 lakh lbs. The area under mulberry cultivation during this period was 127,002 acres besides about 26 lakh mulberry trees in the country. Some Japanese grafts have been imported and are now in the mulberry nurseries of the Madras, Mysore and West Bengal Governments for experimental purposes.

(c) It is estimated that increase in the production of raw silk during the current financial year will be over 450,000 lbs.

Shri Amolakh Chand: May I know the annual consumption of silk in India in the year 1951?

Shri Mahtab: I am very sorry that information is not available, but still I think it is about 4 million lbs.

Shri Amolakh Chand: Is it a fact that the consumption of silk has grown in the last two years?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): It is the other way; it is falling down.

Shri Mahtab: As a matter of fact it depends on the prices: If the prices are lower, the consumption is high and if the prices are higher, the consumption is lower.

Shri Amolakh Chand: May I know the amount of silk which is exported out of India on account of the consumption falling in India?

Shri Mahtab: Whatever is produced here in India is still short of our demand here. Therefore, there is no question of export.

श्री जांगड़े : क्या माननीय मंत्री महोदय बतलायेंगे कि सन् १९५०-५१ में भारतवर्ष ने कितना रेशम का कपड़ा और रेशम का सूत आयात किया ?

[**Shri Jangde:** Will the hon. Minister please state the total quantity of silk and silk yarn imported in the year 1950-51?]

Shri Mahtab: I have not got the figures of import of raw silk but the import of raw silk and art silk is a huge quantity and much higher than the quantity produced here. That is the fact.

YARN QUOTA FOR U.P.

*280. **Shri Amolakh Chand:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the yarn quota fixed for Uttar Pradesh for the year 1951-52;

(b) whether the U.P. Government have made a representation to increase the special quota of yarn for supply to the State Government's weaving centres; and

(c) if so, how much increase in the quota has been allowed?

The Minister of Commerce and Industry (Shri Mahtab): (a) 7146 bales of 400 lbs. each.

(b) Yes, Sir.

(c) The quota referred to in (a) includes a certain quantity of yarn for industrial purposes. It is the responsibility of the States to feed its industries which manufacture goods for consumption in other States in India and for export out of the quota. In view of large demands from Canada and U.S.A. a special allocation of 120 bales per month has been made to Uttar Pradesh over and above their usual quota for the period June—December 1951.

Shri Amolakh Chand: May I know the amount of bales demanded by the U. P. Government for the hand-loom factories?

Shri Mahtab: They wanted 340 bales of yarn per month for various industries. The U. P. Government wanted a special quota of yarn and a special quota for cloth also but we have been able to allot only 120 bales of cloth and we have also been able to allot about 345 bales of yarn per month for various industries such as carpet industries, coarse industries and Faridabad Industry.

Shri S. C. Samanta: Mr. Deputy-Speaker, Sir, before you proceed with further questions in the list, I beg respectfuly to submit that these 22 questions which have just now been covered were transferred from a previous day, i.e., the 16th August, and this is just sufficient for the question hour for one day. May I request that for such questions a further day should be allotted as hon. Members are absent?

Mr. Deputy-Speaker: There is yet time—ten minutes more.

Shri S. C. Samanta: I am submitting that 22 questions have been...

Mr. Deputy-Speaker: The hon. Member says that some of the hon. Members are absent and therefore...

Shri S. C. Samanta: If the absentee Members were present these 22 questions would have been sufficient for a day.

Mr. Deputy-Speaker: If all hon. Members are absent, are we to close the question Hour?

Shri S. C. Samanta: My submission is, I would beg of you in future to fix a separate date for so many questions which have been transferred today.

Mr. Deputy-Speaker: There is no such difficulty. Unnecessarily the hon. Member is apprehending it. There is still time. Let us spend that time in taking up some more questions.

BISCUITS AND CONFECTIONERY FACTORIES

*1103. **Shrimati Jayashri:** (a) Will the Minister of **Commerce and Industry** be pleased to state what is the total number of biscuit, confectionery and breakfast-cereal factories in India?

(b) What is the yearly consumption of food grains and sugar by these factories?

(c) Is it a fact that the nutrition value of grains is reduced in the process of manufacture of biscuits and confectionery?

The Minister of Commerce and Industry (Shri Mahtab): (a) The total number of Biscuit, Confectionery and Breakfast-cereal factories to which wheet flour and sugar are allocated by the Central Government is 168. Besides, there is a large number of small factories getting quotas from the State Governments. Information in regard to these factories is not readily available.

(b) Food grains...24,357 tons

Sugar...12,800 tons.

(c) There is a slight loss in proteins in the baking process.

Shrimati Jayashri: May I know whether we get flour from Australia for the bakeries to prepare biscuits?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): If the question relates to self raising flour, we have put it on free licensing list and anyone can get any quantity from Australia.

Shrimati Jayashri: Is it a fact that the bakeries in Bombay do not get this flour?

Shri Mahtab: We do not know. It may have been the State Government's order. It is on the O.G.L. Anybody can import.

Shri Hathi: Is it the intention of the Government not to encourage these factories because of shortage of food and sugar?

Mr. Deputy-Speaker: It is on the O.G.L. The policy is otherwise.

Shri Mahtab: With regard to our supplying the flour, the Agriculture Ministry makes the calculation and they have placed 1,600 tons of wheat flour at the disposal of our Development Wing. They dispose of that quantity according to the size of the factory. Besides that, some of the State Governments, out of their quota, have given some quantities to these factories. It is a question of taste. I think the judgment is influenced by taste also.

श्री द्विवेदी: मैं यह जानना चाहता हूं कि जो चीनी का कोटा बिस्कुटों की कन्फेक्शनरीज को दिया जाता है वह फैक्टरीज उस काम में ही उस शकर को इस्तेमाल करती हैं इस के लिये गवर्नमेंट का क्या चैक है और क्या प्रबन्ध है कि वह जाना जा सके ?

[**Shri Dwivedi:** May I know what check and supervision is exercised by the Government to ensure that the confectionery factories that are allotted the sugar quota for manufacturing biscuits, use it for the same purpose and no other?]

Shri Mahtab: I think the State Governments must be exercising sufficient check over these factories, because the Central Government have no machinery to exercise a check over these small factories in the various States. I have reason to believe that the State Governments are exercising considerable check over these factories.

Shri Sidhva: Which is the largest factory in India and where is it situated?

Mr. Deputy-Speaker: That does not arise.

Shri Mahtab: I will be very glad to supply the information to the hon. Member later.

Shri Ghule: Now that sugar is available in the free market, would the Government consider the proposal to stop giving sugar to these factories?

Mr. Deputy-Speaker: This is a suggestion for action.

Shri Amolakh Chand: May I know if it has been brought to the notice of the Government that a certain gentleman was receiving a quota of about 200 bags of sugar in the name of a biscuit factory which never existed?

Shri Mahtab: If the hon. Member would kindly give the details, I shall make enquiries.

Mr. Deputy-Speaker: With respect to such individual cases, it would be better for the hon. Members first to bring it to the notice of the hon. Minister instead of raising it here. The hon. Minister cannot remember all these cases.

INDIA'S HIGH COMMISSIONER IN CEYLON

*1104. **Shri Karunakara Menon:** (a) Will the **Prime Minister** be pleased to state whether it is a fact that a burglary took place at Colombo in the House of the High Commissioner for India in Ceylon on the night of the 20th August, 1951, accompanied by the forcible removal of jewels from the person of a member of his family?

(b) Did any such incident take place in the same house before?

(c) Is the report found in the "Hindu", Madras, dated the 22nd August, 1951 to the effect that the said member of the household was chloroformed before the jewels were forcibly removed from the body and that she remained unconscious for a long time, true?

(d) What is her condition at present?

(e) Is the burglary the result of the Ceylon Government not having offered or provided adequate protection to the High Commissioner and his household?

(f) What action do the Government of India propose to take to safeguard adequately the person and property of the High Commissioner and his family in future?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) Yes.

(b) Yes; the High Commissioner's personal effects were stolen.

(c) Yes; some form of anaesthetic was administered to the lady before removing whatever jewellery she had on her person.

(d) She is presumed to be in good health.

(e) Presumably not. But according to International law it is the responsibility of the Government of a country to safeguard the person and property of foreign representatives in that country.

(f) The matter has already been reported by the High Commissioner to the Ceylon Government who are understood to have posted, for the time being, a police patrol consisting of one police man during the day time and two at night at the former's residence. Moreover, the proposal of appointment of a night watchman at the High Commissioner's residence is under our consideration.

Shri Karunakara Menon: May I know whether the culprits have been traced or whether any attempts have been made to trace the culprits?

Shri Satish Chandra: The Ceylon Government is trying to trace the culprits. Police men have been posted at the residence of our High Commissioner pending the arrest of the culprits.

Shri R. K. Chaudhuri: What preventive measures and special precautions have since been taken to prevent the recurrence of such incidents in future?

Mr. Deputy-Speaker: He has already answered that.

The Prime Minister (Shri Jawaharlal Nehru): All the preventive measures which the hon. Member would take if there was a burglary in his house, were taken.

Mr. Deputy-Speaker: Police constables have been posted.

Shri R. K. Chaudhuri: Evidently the Prime Minister is annoyed at my question. I did not follow the answer. My question was a purely *bona fide* question. The new Parliamentary Secretary may kindly repeat his answer. It will be mercy to do so.

Shri Satish Chandra: I have already said that one policeman during day time and two at night have been posted by the Ceylonese Government at the High Commissioner's residence. A night watchman is being sanctioned by the Government of India.

Shri Karunakara Menon: Is burglary so common an event in Ceylon or was this a well planned and deliberate attempt on the part of the burglars?

Shri Satish Chandra: No such burglaries were reported in our High Commissioner's residence before the month of July. Therefore, it is not true to say that they are very common.

Mr. Deputy-Speaker: Next question.

श्री आर० ऐस० तिवारी: क्या माननीय प्रधान मंत्री बतलाने की कृपा करेंगे कि हाई कमिश्नर पर डाका पड़ा है या उन के घर चोरी हुई है.....

[**Shri R. S. Tewari:** Will the Prime Minister be pleased to state whether this was a case of dacoity or a mere burglary.....]

Mr. Deputy-Speaker: Next question.

PENCILS

*1107. **Shri Sidhva:** Will the Minister of **Commerce and Industry** be

pleased to refer to part (f) of my unstarred question No. 100 on the 23rd August, 1951 and state:

(a) what is the total capacity of factories producing lead pencils in the country;

(b) when the maximum capacity is likely to be reached by local industries;

(c) what are the prices of ordinary black lead pencils, copying pencils and short-hand pencils in this country as compared with imported articles; and

(d) whether the quality of pencils has improved since protection was given?

The Minister of Commerce and Industry (Shri Mahtab): (a) 455,000 gross of pencils per annum.

(b) If the present rate of progress is maintained we should hope to reach it within a couple of years.

(c) (Per Gross)

	Black lead pencils	Copying pencils	Short-hand pencils
	Rs. A.	Rs. A.	Rs. A.
Indian	1 12	4 8	Not available
Foreign	2 4	4 8 to 7 8	7 8

(d) No comparative tests have been carried out but it may be stated generally that the quality is improving.

Shri Sidhva: In view of the shortage of pencils, may I know if the Government intend to put these pencils on the OGL, or increase the quota of imports in view of the indigenous factories not being able to meet the requirements of the country?

Mr. Deputy-Speaker: Within a couple of years, it will be self-sufficient.

Shri Sidhva: Until it becomes self-sufficient?

Shri Mahtab: A very limited ceiling has been put on the import of pencils. We have not placed it on the OGL.

Shri Sidhva: Will the quota for import be raised in view of the shortage?

Shri Mahtab: As is the practice, we have calculated the requirements of the country, we have taken into consideration the production here and for the remainder, a ceiling has been fixed.

Mr. Deputy-Speaker: Next question.

EXPORT DUTY ON JUTE MANUFACTURES

*1108. **Dr. Ram Subhag Singh:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that "high export duty" on jute manufactures has lowered the quantum of our jute goods exports to the U.S.A. and other foreign countries?

(b) If so, do Government propose to take any step so that India may not lose her foreign markets for jute?

The Minister of Commerce and Industry (Shri Mahtab): (a) No, Sir; the basic cause is shortage of raw jute due to which production of jute goods has fallen and this has been reflected in the quantum of exports.

(b) Government are taking all possible steps to maintain the traditional export markets by meeting their essential requirements.

TRADE WITH AUSTRALIA

*1109. **Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the value of India's imports from Australia in the years 1946-47 and 1950-51; and

(b) the value of India's exports to Australia during the corresponding periods?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

India's trade with Australia during the years 1946-47 *and* 1950-51.

(Figures in lakhs of rupees)

	1946-47	1950-51
Imports from Australia into India	21,06*	33,44
Exports from India to Australia (including re-exports of foreign merchandise from India)	14,17	30,37

Note.—*The above statistics have been corrected to include import of foodgrains from Australia by the Government of India during the year 1946-47.

MANAGEMENT OF SHRINES OF MINORITY COMMUNITIES IN INDIA AND PAKISTAN

*1112. **Shri Jnani Ram:** Will the **Prime Minister** be pleased to state:

(a) whether the programme for holding a Conference on the question of management of Shrines in Pakistan and India has been prepared;

(b) if so, the dates on which the meetings of the Conference are proposed to be held; and

(c) if the conference has already been held, the dates on which they were held and the result of the Conference?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). The Government of India have been trying for a long time to arrange an Indo-Pakistan conference to discuss specificially the question of the protection and future maintenance of shrines and holy places in Pakistan and India and the management of the properties attached thereto. A draft agenda for the conference was sent to the Pakistan High Commissioner on the 16th June 1951 for transmission to the Government of Pakistan with an invitation to join the conference at Delhi. The second fortnight of July was proposed for the conference. Since neither an acknowledgement nor a reply were received the Government of India addressed the Government of Pakistan direct by telegram, asking for the fixation of an early date. The High Commission was also reminded. Government have still not received either an acknowledgement or a reply. The Government of Pakistan have been further reminded.

(c) Does not arise.

WRITTEN ANSWERS TO QUESTIONS

Open General Licence

***250. Dr. Deshmukh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the changes recently effected in the O.G.L.;

(b) the commodities now added to the O.G.L. and commodities removed from O.G.L. (if any);

(c) whether there are any commodities which are proposed to be added since the declaration of policy in June 1951; and

(d) the basis on which the changes in the O.G.L. have been made?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Presumably the hon. Member is referring to Open General Licence No. XXIII which was issued on the 12th June, 1951. The main change is that O.G.L. XXIII is valid for shipment of goods, on through consignment to India, on or before the 30th June, 1952, whereas O.G.L. XXI is valid up to the 31st December, 1951.

(b) Two lists—one containing items appearing in O. G. L. XXIII but not in O.G.L. XXI and the other containing items included in O.G.L. XXI but excluded from O.G.L. XXIII are placed on the Table of the House. [*See* Appendix VII, annexure No. 18.]

(c) and (d). No fresh items have been added but certain entries may be amplified to make the position clear.

Export and Import Policy

***251. Dr. Deshmukh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the date on which the export and import policy was announced in the month of June 1951;

(b) whether this was a complete statement of policy or whether it was contemplated that the statement may be added to or modified later on; and

(c) whether this was done at any previous time?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The Import Policy for July-December, 1951, was announced on the 15th June, 1951. Export Policy is not announced half-yearly.

(b) This was a complete statement of policy except for electric motors and generators, bicycles and bicycle parts, domestic sewing machines and raw cotton. It was announced in the Public Notice issued on 15th June 1951 that the policy in respect of these items would be announced later. The policy regarding domestic sewing machines and bicycles and bicycle parts has since been announced.

(c) Even in the past when import policy has been declared at the beginning of a licensing period, it has been stated in respect of certain items that policy would be declared later.

India's Oil Supplies

***251-A. Shri Kamath:** Will the Minister of **Works, Production and Supply** be pleased to state:

(a) whether the Persian Government has informed India that the Abadan Oil refinery has closed down;

(b) to what extent such closure will affect oil supplies to India;

(c) the stock in hand at present;

(d) the average monthly requirements (i) for Governmental purposes and (ii) for purposes of the general public; and

(e) what alternative arrangements have been made to ensure adequate supply of oil to India in future?

The Minister of Works, Production and Supply (Shri Gadgil): (a) No.

(b) The closure of the refinery has not affected our supplies for the present except in the case of Jute Batching Oil and Aviation Spirit. Efforts are, however, being made to import sufficient quantities of these two products from alternative sources.

(c) and (d). It is not in the public interest to disclose this information.

(e) Arrangements have been made through the usual trade channels to import adequate supplies for India from the producing countries in the Middle and Far East and other dollar sources. The Persian Gulf still continues to be a good source of supply since many oil fields and refineries in the area are outside Iran.

ELEPHANTS (EXPORT)

***253. Shri Kamath:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the export of elephants from India is being controlled;

(b) whether any ceiling or definite figure has been fixed for the same;

(c) the average annual catch of elephants in India; and

(d) how many of them are used in India itself?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes Sir.

(b) An annual export quota of 75 elephants has been fixed provisionally subject to its revision from time to time on the basis of annual catch, internal requirements and export demand.

(c) Average annual catch of elephants is about 400 elephants.

(d) India's requirements of elephants are estimated at 200 per annum.

STANDARD MEASURES AND WEIGHTS IN THE COUNTRY

***257. Shri Kesava Rao:** Will the Minister of **Commerce and Industry** be pleased to state whether any progress has been made in introducing a uniform system of measures and weights throughout the country?

The Minister of Commerce and Industry (Shri Mahtab): The hon. Member's attention is invited to my reply to part (a) of Starred Question No. 358 by Lala Raj Kanwar given on the 14th August 1950, where I stated that in view of financial stringency, the existence of various other pressing problems, and the fact that the question of introducing a uniform system of weights and measures does not warrant over-riding priority, it had been decided to postpone consideration of the matter for some time. This continues to be the position.

ROCK SALT FROM PAKISTAN

***258. Shri Kesava Rao:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that an agreement has been signed with Pakistan to import rock salt from that country; and

(b) if the answer to part (a) above be in the affirmative, what is the amount of salt to be imported?

The Minister of Commerce and Industry (Shri Mahtab): (a) No, Sir.

(b) Does not arise.

मध्य भारत के लिए धोतियां

*२८२. **डा० देवी सिंह:** क्या वाणिज्य तथा उद्योग मंत्री यह बतलाने की कृपा करेंगे कि :

(क) १ अप्रैल से ३० जून १९५१ तक मध्य भारत को कितनी धोतियां आवंटित की गईं, तथा

(ख) क्या धोतियों के आवंटन के अभ्यंश (कोटा) को बढ़ाये जाने का कुछ विचार है ?

Dhoties FOR MADHYA BHARAT

[***282. Dr. Devi Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of *dhoties* allotted to Madhya Bharat from 1st April to 30th June, 1951; and

(b) whether it is proposed to increase the quota of allotment of *dhoties*?]

The Minister of Commerce and Industry (Shri Mahtab): (a) April 1951, 337 bales; May 1951, 517 bales; June 1951, 764 bales.

(b) If the State makes a request it will be considered subject to the total availability of this variety of cloth.

PRODUCTION OF YARN AND CLOTH

***284-A. Shri Nandkishore Das:** Will the Minister of **Commerce and Industry** be pleased to state how many textile mills have failed to increase their

production of cloth and yarn and what steps have been taken against them?

The Minister of Commerce and Industry (Shri Mahtab): The number of cotton textile mills that have not shown any improvement in production of cloth and yarn during the quarter ending 31st July, 1951, as compared to the production of the previous quarter is 84. No action can be taken against the mills. Statutory orders in force do not require mills to produce a minimum or any specified quantity.

BATTERY SEPARATORS

*1106. **Col. B. H. Zaidi:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether the manufacture of **Battery** Separators has been started in India?

(b) What were the total imports of Battery Separators during the year 1950?

(c) What is the total value of Import Licences issued for Battery Separators for the two half-yearly period in 1951 for imports from :

(i) Soft Currency Areas; and

(ii) Hard Currency Areas?

(d) Is it a fact that during the period July-December, 1951, imports from Soft Currency areas have been stopped, but imports from Hard Currency areas continue un-reduced?

(e) Is it a fact that imports from Hard Currency areas are allowed only to battery manufacturers for their own use?

(f) If so, how is it that American Separators are being freely sold in the market?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes, Sir.

(b) Figures of imports are not recorded separately for this item.

(c) The value of licences issued during the half year January-June 1951 are as follows:

Soft currency areas	Rs. 31,01,187
Hard currency areas	Rs. 3,22,463
	Rs. 34,23,650

July-December, 1951—Licences issued from the period January-June 1951 were doubled and their period of validity extended in terms of Public Notice No. 49-ITC(PN)/51, dated the 13th March, 1951.

(d) As the bulk of the requirements for July-December 1951 have already been met by doubling of licences for the period January-June 1951 it was decided not to license Wooden Battery Separators freely except for meeting the requirements of Battery manufacturers. Even in such cases, import licences will not be issued for soft currency areas.

(e) Yes, Sir.

(f) Imports of battery separators from the dollar areas have been much smaller than those from the soft currency areas during July-December, 1950, and January-June, 1951; and as such the statement of free sale of the American separators seems to be exaggerated.

REGISTRATION AT EMPLOYMENT EXCHANGES

*1110. **Shri Krishnanand Rai:** Will the Minister of **Labour** be pleased to state:

(a) in which State the largest number of unemployed persons are registered in the Employment Exchanges at present; and

(b) in which States the largest number of persons have got employment through Employment Exchanges?

The Minister of Works, Production and Supply (Shri Gadgil): (a) Madras State.

(b) Uttar Pradesh. Madras comes next in this respect.

STATE OF WAR WITH ENEMY COUNTRIES OF LAST WAR

*1111. **Shri Krishnanand Rai:** Will the **Prime Minister** be pleased to state:

(a) with what nations the state of war, that India declared during last World War, still continues; and

(b) up to what time it is likely to continue?

The Deputy-Minister of External Affairs (Dr. Keskar): (a) Japan is the only country with which the state of war still continues.

(b) The Government of India intend to terminate the state of war with Japan simultaneously with the coming into force of the Multilateral Treaty of Peace with Japan. The hon. Member's attention is invited to the text of the correspondence between the Governments of India and Japan and the draft of the proposed Notification which were released to the Press on 10th September, 1951. [*See* Appendix VII, annexure No. 19.]

VISIT TO INDIA OF PAKISTAN'S FIELD OFFICER FOR EVACUEE PROPERTY

*1113. **Shri Jnani Ram:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that Mr. Sultan Ahmed, Field Officer for Evacuee Property of Pakistan Government, visited India in August, 1951:

(b) if so, the purpose of his visit; and

(c) the facts and figures, if any, supplied to him?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Government have seen a press report regarding Mr. Ahmed's arrival.

(b) From a press note issued by the Pakistan High Commission and published on 23rd August, it appears that he is a member of the liaison staff in connection with the Movable Property Agreement of June 1950.

(c) No facts and figures have been supplied by Government.

INDIAN PROPERTIES IN JAPAN

*1114. **Shri Lakshmanan**: (a) Will the **Minister of Commerce and Industry** be pleased to state whether the Indian Liaison Mission in Tokyo has preferred any claim for compensation payable by Japanese Government for war-time damage to Indian properties in Japan?

(b) What is the total value of the claim?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). Information is being obtained and will be placed on the Table of the House in due course.

CHINESE GOODWILL MISSION TO INDIA

*1115. **Shri Lakshmanan**: Will the **Prime Minister** be pleased to state:

(a) whether a Chinese Goodwill Mission sponsored by the Chinese People's Government will be visiting India in October 1951;

(b) Whether any invitation was sent by the Government of India for such a goodwill mission; and

(c) whether Government propose to send a corresponding mission from this country to China?

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). Last year the Chinese Government proposed an exchange of Cultural Goodwill Missions between India and China. We welcomed the proposal and have extended an invitation to the Chinese Delegation which is expected to arrive in India next month. We have received an invitation from the Government of China to send a similar Delegation from here.

REPRESENTATION OF COIR DEALERS' ASSOCIATION

*1116. **Shri Alexander**: (a) Will the Minister of **Commerce and Industry** be pleased to state whether the Travancore Coir Dealers' Association submitted a memorandum to him some time in June, 1951?

(b) If so, has any action been taken to meet their points especially regarding their representation in the Export Committee and the constitution of a Coir Board?

(c) Is any attempt at standardisation and warehousing being made with regard to coir goods?

(d) If so, with what results?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes, Sir.

(b) Action is being taken to meet as far as possible the points contained in the memorandum. The question of representation on the Export Advisory Council will be considered at the time of reconstituting the Council some time next year. The subject of constituting a coir board is under examination.

(c) and (d). The matter is under consideration.

MOTOR CARS

*1117. **Shri M. Naik**: (a) Will the Minister of **Commerce and Industry** be pleased to state what are the number and value of motor cars annually required by India?

(b) What portion of the internal requirements is now being met by local manufactures?

(c) Of the imports how much is from soft currency areas and how much from hard currency areas?

(d) Is it a fact that import of cars has been totally prohibited recently?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) About 12,000 motor cars valued at about Rs. 15 crores.

(b) Complete cars are not manufactured in India at present, but are imported in completely knocked down condition and assembled.

(c)

	1950	
	Soft currency areas	Hard currency areas
Nos. . . .	7846	225
Value . . .	Rs. 288·96 lakhs	Rs. 16·23 lakhs

(d) No, Sir.

RUBBER DEVELOPMENT BOARD

*1118. **Shri M. Naik**: (a) Will the Minister of **Commerce and Industry** be pleased to state whether the Tariff

Board has recommended constitution of a Rubber Development Fund?

(b) How is such a fund going to be constituted when approved?

(c) For what purpose is the fund to be utilised?

(d) What is the expected capital of such a fund?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes.

(b) and (d). These details have not yet been worked out. The proposal has first to be considered by the Indian Rubber Board.

(c) For the rehabilitation of rubber estates and holdings.

LAND TRANSFERRED TO PAKISTAN

***1119. Shri J. N. Hazarika:** Will the **Prime Minister** be pleased to state:

(a) what is the total area, in square miles or acres, of lands which have been transferred from the territory of Assam to Pakistan after partition as a result of Bagge Award, and otherwise, that is, by mutual agreement;

(b) the extent of the strips of lands occupied by Pakistani encroachments after the said Award, militarily or otherwise; and

(c) whether it is a fact that certain villages falling within the jurisdiction of Shalmara and Mankachar Thanas of Goalpara District (Assam) were occupied by the Armed Forces of Pakistan and the people thereof were not allowed to harvest their crops and Chaukidari tax was also collected by force by the Pakistani civil authorities?

The Deputy Minister of External Affairs (Dr. Keskar): (a) No area so far in possession of the Government of Assam has been transferred to the Government of Pakistan or *vice versa*. The boundary between Assam and East Bengal has not yet been demarcated on the ground, either in pursuance of the Bagge Award or otherwise.

(b) and (c). With regard to the islands of Daikhowchar and Salapara under South Shalmara Police Station of Goalpara District, a statement was laid on the Table of the House on the 28th August, 1951. The Government of India have received reports that the East Bengal Police have also taken possession of certain disputed areas in villages Baraibarichar and Behularchar of Mankachar Police Station. Instrumental Survey of the disputed areas has just started in order to lay the boundary on the ground. Until this has been done, it is not possible to say how much of the territory taken possession of by Pakistan is Indian territory. The Government of India have received no reports of refusal to allow harvesting of crops in these areas, but there have been attempts to realise chaukidari taxes. Such attempts have also been made in one or two other villages which are in our occupation.

PRICE OF PETROL

***1120. Shri J. N. Hazarika:** Will the Minister of **Works, Production and Supply** be pleased to state:

(a) the existing selling prices of petrol per gallon (ex-pump) in different States;

(b) the reasons for fixing prices unequally (if any) in different States;

(c) the basis on which the price of petrol is worked out for Assam petrol and other petrols;

(d) the extent to which the Government of India and the petrol companies have control in determining the petrol price; and

(e) whether there is any proposal under consideration of Government to make the selling prices of petrol uniform all over India?

The Minister of Works, Production and Supply (Shri Gadgil): (a) The existing selling prices of Petrol at certain States are:

Bombay, Rs. 2-4-0 per gall. ex-pump.

Lucknow, Rs. 2-10-0 per gall. ex-pump.

Calcutta, Rs. 2-8-6 per gall. ex-pump.

Delhi, Rs. 2-9-6 per gall. ex-pump.

Jaipur, Rs. 2-11-6 per gall. ex-pump.

(b) The variation in prices from State to State is partly due to difference in rail freight from main port installations to the consuming centres and partly local taxes levied by State Governments.

(c) The selling prices of Petrol whether produced in Assam or imported from abroad are worked out on the basis of Gulf of Mexico prices. Oil prices all over the world are settled by the market prices in the Gulf, which is the only market in which there is free competition between company and company.

(d) The basic factor in the make up of Selling Prices is *c.i.f.* cost, over which Government or the Oil Companies (which are distribution companies having no direct control or interest in the refineries) have no control. The formula on which the Oil

Companies base their selling prices in the country has however been approved by Government.

(e) The Motor Vehicles Taxation Enquiry Committee made a general recommendation to this effect and the matter is under consideration.

VISIT OF AUSTRALIAN DELEGATION

*1121. **Shri Rathnaswamy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that an Australian delegation visited Delhi some time in August 1951 and conducted negotiations with India;

(b) if so, what are the various matters covered by this negotiation;

(c) whether it is a fact that India at present is having an unfavourable trade balance with Australia; and

(d) if so, what are the reasons therefor?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes, Sir.

(b) Negotiations which relate to the development of trade between the two countries are in progress.

(c) During the last three financial years. India had an unfavourable balance of trade with Australia.

(d) The adverse balance of trade has been due to the heavy import of foodstuffs from Australia.

INTERNATIONAL LEVANT FAIR

*1124. **Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Indian delegates to the International Levant Fair to be held at Bari in Italy have been selected?

(b) if so, the names of those delegates and the business they carry on here; and

(c) what will be the main features of the proposed fair?

The Minister of Commerce and Industry (Shri Mahtab): (a) No. It has been decided not to participate on Government account in the International Levant Fair to be held at Bari (Italy) in September 1951.

(b) Does not arise.

(c) The main feature is that it is a trade fair wherein the participants display samples of the goods which they can offer for the purpose of export trade.

YARN FOR BIHAR

*1125. **Shri Kshudiram Mahata:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity of yarn quota for Bihar in 1951; and

(b) the quantity of yarn supplied so far to Bihar with reference to different counts?

The Minister of Commerce and Industry (Shri Mahtab): (a) 3,288 bales per month.

(b) Total deliveries of yarn during the period February to July 1951 amounted to 16,068 bales. The deliveries were in the following count groups:

Up to 10s 3,719 bales.

Over 10s—20s 5,804 bales.

Over 20s—40s 6,363 bales.

Over 40s 182 bales.

RICE HUSKERS

*1126. **Shri Jagannath Mishra:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of power driven rice huskers and rice mills in India, separately in Municipal and rural areas in each State;

(b) whether Government have any statistics regarding the number of women who were thrown out of employment due to the working of power driven paddy huskers; and

(c) whether they have ascertained the comparative advantages of power driven and hand or leg driven huskers and if so, what are they?

The Minister of Commerce and Industry (Shri Mahtab): The question calls for the collection of the information from the various State Governments. I doubt whether the labour involved in doing so will be commensurate with the results achieved.

NILOKHERI TOWNSHIP

*1127. **Shri Dwivedi:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether the Nilokheri township near Kurukshetra has been completed;

(b) the total sum of money spent on (i) construction of buildings, roads, sanitation etc; (ii) plants and machinery as well as other production equipment; and (iii) management, supervision and staff for various other duties;

(c) the value of articles produced per year in the township;

(d) whether the investment is likely to be repaid; and

(e) how many other townships of the kind have been constructed or are under construction or have been planned in the various parts of India?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes, except for a few works which will be completed by 31st March 1952.

	Expenditure incurred upto July 1951
	Rs.
(*b*) (*i*) Construction of residential and community buildings, roads, drainage, land, development of land etc. . . .	32,30,000
Construction of industrial buildings . . .	4,95,000
	37,25,000
(*ii*) Plants, machinery and other production equipments . . .	8,45,000
Revolving Capital .	6,25,000
	14,70,000
(*iii*) Management, supervision and staff . . .	5,71,000
Other investments .	45,000
	6,16,000
GRAND TOTAL .	58,11,000

(c) Production during 1950-51 amounted to Rs. 13.85,000. The average production during 1951-52 amounts to Rs. 2,30 000 per month.

(d) Yes.

(e) One more township on a similar pattern, although on a smaller scale, is being set up at Fulia (West Bengal).

SPECIAL ALLOTMENT OF CLOTH

***1128. Shri B. K. Das:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether any special allocation of cloth has been made to any State on account of the *Pujas*?

(b) If so, what are the quantities of different varieties?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes.

(b) 4,200 bales of *dhoties* and *sarees*, including 1,200 bales as an advance allocation of their own quota, have been allotted to West Bengal. Advance allocations of 1,000 bales to Assam, and 820 bales to Orissa, in all varieties, have also been made.

HOUSES FOR PLANTATION WORKERS

***1129. Shri S. C. Samanta:** Will the Minister of **Labour** be pleased to state:

(a) the number of plantation workers in India at present;

(b) the number of houses built for these workers in the years from 1947 to 1950 (year by year);

(c) whether the question of improved housing for plantation workers, as discussed in the 3rd Session of the Committee on Plantations, is being implemented; and

(d) whether the employers will get the benefit of loan advanced to different State Governments under the Industrial Housing Scheme in order to construct houses at least for eight per cent. of the labour population every year?

The Minister of Labour (Shri Jagjivan Ram): (a) The latest available information pertains to the year 1948. The average daily number of plantation workers during 1948 was 12 lacs approximately.

(b) The information is not readily available and is being collected. The attention of the hon. Member is, however, invited to answer given in the Parliament on the 21st May, 1951, to Unstarred Question No. 311 put up by Shri Rathnaswamy, from which it will be seen that more than 18,000 houses were constructed in 1949 and 1950.

(c) Yes. The reports so far received show that satisfactory progress is being made.

(d) Though the Industrial Housing Scheme is applicable to plantations also, there is no likelihood of the benefit of loan being extended to employers in plantations in the near future as the amount provided in the Budget for Industrial Housing is rather very small compared to the requirement. The sum of Rs. 168 lacs provided in the Budget of the current year has already been allotted amongst the States which applied for loan. The actual utilisation of the allotted amount among various industries in the State is left to the State Government concerned subject to the conditions laid down in the Scheme.

CUSTODIAN OF ENEMY PROPERTY

***1130. Shri Raj Kanwar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) since when the office of the Custodian of Enemy Property is in existence in India;

(b) what is its personnel;

(c) the respective amounts of assets and liabilities of enemy firms when first taken over by the Custodian of Enemy Property;

(d) the present amounts of their assets and liabilities; and

(e) the probable date by which the pending work of this office is likely to be completed?

The Minister of Commerce and Industry (Shri Mahtab): (a) Since 4th September 1939.

(b) Gazetted Officer	1
Non-Gazetted Staff:	
Class IV Staff	20
Class III Staff	10
TOTAL	31

(c) The required information is not readily available as the assets and liabilities of enemy firms at the time they were taken over by the Custodian of Enemy Property were not tabulated in a consolidated form owing to various technical difficulties.

(d) The present position of the assets and liabilities of enemy firms which are under the control of the Custodian of Enemy Property is as follows:

	Assets	Liabilities
	(Rs. 000)	(Rs. 000)
(*a*) German enemy firms . .	2,28,64	20,97
(*b*) Italian enemy firms . .	15,76	15,88
(*c*) Japanese enemy firms . .	2,73,54	2,24,17

(e) No workable estimate can be given as the quantity of work due to be dealt with by this organisation and the progress made with its disposal will depend on a number of contingencies in large measure depending on the international situation.

COTTAGE INDUSTRIES DIRECTORATE

*1131. **Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the work so far done by the Cottage Industries Directorate;

(b) the number of meetings so far held by the Cottage Industries Board, its Executive Committee and its Working Committee;

(c) the important subjects discussed in these meetings and decisions taken thereon; and

(d) the important work so far done by the several Committees working under the Directorate?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a), (c) and (d). Statements containing the necessary information are laid on the Table of the House. [*See* Appendix VII, annexure No. 20.]

(b) Cottage Industries Board ...	3
Executive Committee ...	3
Working Committee ...	2

PATENT ENQUIRY COMMITTEE RECOMMENDATIONS

*1132. **Shri S. N. Das:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether Government have decided to give effect to the recommendations made by the Patent Enquiry Committee in its final report regarding measures to improve the Patent System and necessary administrative set-up for its efficient functioning?

(b) If so, what are the steps taken to do so?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). Recommendations of the Patents Enquiry Committee are under the active consideration of the Government of India and no final decisions have yet been reached.

HARIJAN FARMERS FROM WEST PAKISTAN

*1133. **Shri Balmiki:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of Harijan farmers who have come into India from West Pakistan since 1949; and

(b) the steps taken by Government since then to rehabilitate them?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The figures are not available and the time and labour involved will not be commensurate with the result achieved.

(b) Not only are the displaced Harijan agriculturists resettled on land like other displaced agriculturists but in certain cases they are also accorded special treatment.

BANERJEE MARKET AT BHOPAL

*1134. **Thakur Lal Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) how much money was spent by Bhopal Government in constructing Banerjee Market near Bhopal Railway Station;

(b) to what use the buildings are put in the said market; and

(c) if the buildings of the market are not made use of by the displaced persons, what is intended to be done there?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) and (b). Information is being collected and will be laid on the Table of the House.

(c) It is proposed to convert a part of the Market into residential quarters.

INDIAN CHILDREN IN SOUTH AFRICAN SCHOOLS AND COLLEGES

*1135. **Shri A. Joseph**: Will the **Prime Minister** be pleased to state:

(a) the number of Indian children who are studying in schools and colleges in South Africa; and

(b) in cases where the parents of those students are permanent residents in Africa whether these students are given facilities like the children of Africans and Europeans?

The Deputy Minister of External Affairs (Dr. Keskar): (a) According to the 1945 census figures the number of Indian children studying in the various schools of the Province of Natal, where 81 per cent. of the total population of Indians in South Africa is concentrated, was 34,031. The number of University students in Natal in 1946 was 183. No figures are available for the Provinces of Transvaal and Cape.

The latest figures have been called for from the office of our High Commissioner in South Africa and will be placed on the Table of the House as soon as they are received.

(b) Indian students are given the same facilities as the African students but not the same facilities as are given to European students. In Natal education for Europeans is free and compulsory; this facility is not extended to Indian children. No adequate facilities exist for the imparting of higher education to Indians. European colleges refuse to admit Indian students. Adequate facilities for technical education for Indians are also lacking.

In the Province of Transvaal both primary and secondary education are free for Indians too and in the Province of Cape only primary education is free. In neither province education is compulsory for Indians.

EXPORT AND IMPORT LICENCES

*1136. **Shri A. Joseph**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the latest policy of the Government of India regarding issue of licences to exporters and importers;

(b) how many individuals or concerns were given import and export licences for amounts above five lakhs of Rupees; and

(c) whether a list of the names of those persons who have been given these licences is published?

The Minister of Commerce and Industry (Shri Mahtab): (a) The policy regarding the issue of licences to exporters is announced separately for each commodity covered by the Export Trade Control Regulations as it is determined, and is published as Public Notices by the Chief Controller of Exports and the Export Trade Control authorities at the Ports. As regards the policy relating to the issue of licences to importers in the current period July-December 1951, it is contained in the Public Notices Nos. 49-ITC (PN)/51 and 105-ITC(PN)/51 dated the 13th March 1951 and the 15th June 1951, respectively and in the "Red Book" entitled 'Import Trade Control'.

(b) 1,800 firms were given import licences for amounts above five lakhs of rupees during the period January-June 1951 and July-December 1951 (upto August 1951). As regards export licences, they are issued in terms of quantities and not in terms of value.

(c) Yes, Sir.

PROPERTY PURCHASED BY FOREIGN MISSIONS IN INDIA

*1137. **Shri Kamath**: Will the **Prime Minister** be pleased to state:

(a) the number and names of foreign countries who have purchased land or other property for their Missions in India;

(b) whether India has purchased any land or other property for her Missions in those countries;

(c) which countries have refused to let us purchase land or other property for our Missions there and what reasons were given for such refusal; and

(d) whether the principle of reciprocity is applied in such matters and if not, why not?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Seven countries, namely, the U.S.A., the Netherlands, Iran, Canada, the United Kingdom, Indonesia and Nepal, have acquired property or land in India for their Diplomatic Missions.

(b) India has purchased property in the U.S.A., the United Kingdom and Canada.

(c) and (d). The attention of the hon. Member is invited to the answer given to Question No. 3019 on the 11th April 1951, in which it was stated that the Government of India had usually purchased lands and buildings for their missions by negotiations with private parties in foreign countries and that the Governments of those countries do not directly concern themselves with the matter. This being the position, the question of urging reciprocity in the matter has not so far arisen.

RUBBER CULTIVATION

262. Shri Sivan Pillay: Will the Minister of **Commerce and Industry** be pleased to refer to the answer given to starred question No. 2 asked on the 7th August, 1951 and state the area under rubber cultivation in each of the States in India separately for the years 1948, 1949 and 1950 respectively?

The Minister of Commerce and Industry (Shri Mahtab): A statement giving the particulars is laid on the Table of the House.

STATEMENT

State	Area in acres at the end of		
	1948	1949	1950
TRAVANCORE—COCHIN			
Travancore	116763·30	122251·41	122448·39
Cochin	13691·27	13748·75	13812·44
TOTAL	130454·57	136000·16	136260·83
MADRAS STATE			
Malabar	25007·25	25323·42	27733·65
Nilgiris	860·52	860·52	860·52
Salem	132·00	132·00	132·00
Coimbatore	644·10	644·10	644·10
Madura	407·00	407·00	407·00
Canara	410·00	410·00	410·00
TOTAL	27460·87	27777·04	30187·27
Assam	50·00	50·00	50·00
Mysore	386·00	386·00	396·03
Coorg	3196·20	3196·20	3196·20
Andaman		407·00	407·00
W. Bengal	..	..	9·23
GRAND TOTAL	161547·64	167816·40	170506·56

CLOTH

263. Shri S. N. Das: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of cloth available for consumption in India during the years 1947-48 (post-Partition), 1948-49, 1949-50, 1950-51 and 1951-52 (upto 31st August 1951) giving separate figures for net imports, mill productions *minus* exports and handloom production; and

(b) the quantities of cloth that was exported from India during the period?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). A statement is placed on the Table of the House.

STATEMENT

Availability of cloth

(Figures in Million Yards)

Year	Imports	Production			Exports	Available including defence requirements (5-6)
		Handloom & powerloom	Mill made	Total of 2, 3 & 4		
1	2	3	4	5	6	7
1947-48 (Sept. 47 to March 1948)	16	752	2283	3051	95	2956
1948-49	48	1457	4301	5806	341	5465
1949-50	73	1246	3829	5148	701	4447
1950-51	6	839	3718	4563	1269	3294
1951-52 (upto July 1951)	4	326	1386	1716	180	1536

NEWSPRINT

265. Shri Kamath: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the present position of newsprint stock in India; and

(b) whether any imports are expected in the near future and if so, from which countries and how much from each?

The Minister of Commerce and Industry (Shri Mahtab): (a) As we have been able to enforce economy in the use of newsprint by the imposition of control, the stock position has improved to some extent.

(b) We are expecting to receive 2,500 shore tons of newsprint from Canada shortly in accordance with the allocation made by the Pulp and Paper Committee of the International Materials Conference, Washington. In addition, we might receive about 7,500 tons from European countries such as Sweden, Finland and Norway, during the rest of the year. It is, however, not possible to say exactly how much will be received from each of these countries.

MANDI SALT MINE REPORT

266. Shri Sidhva: Will the Minister of **Works, Production and Supply** be pleased to state:

(a) whether the Mandi Salt Mine Report has been considered by Government;

(b) if so what is the decision of Government; and

(c) if not, when they intend to take a decision?

The Minister of Works, Production and Supply (Shri Gadgil): (a) to (c). The report of M/S. Escher Wyss Ltd. of Switzerland on the development of Mandi Rock Salt Mines is being examined. In view of the financial implications of the project, it is not possible to indicate a definite date by which a decision will be taken, but every attempt will be made to do so as early as possible.

URBAN SMALL LOANS SCHEME

267. Dr. Ram Subhag Singh: Will the Minister of **Rehabilitation** be pleased to state:

(a) the amount of money so far sanctioned to the displaced persons in West Bengal under the Urban Small Loans Scheme;

(b) the number of persons who have been granted loans under this Scheme; and

(c) how many of them have so far drawn their loans?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

FINANCIAL AID TO DISPLACED STUDENTS

268. Dr. Ram Subhag Singh: Will the Minister of **Rehabilitation** be pleased to state:

(a) for how long the present scheme of financing displaced students from Pakistan would be tenable;

(b) whether the students are exempted from paying tution fees: and

(c) whether any cash grant is given to students for buying books and stationery?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Upto 31st March 1953.

(b) and (c). Yes, according to the provisions of the scheme, a copy of which is laid on the Table of the House. [*See* Appendix VII, annexure No. 21.]

PENSION AND PROVIDENT FUND

269. Shri Sidhva: (a) Will the Minister of **Rehabilitation** be pleased to state how many applications received under the scheme of 50 per cent. payment of Pensions and Provident Funds to employees from West Pakistan have so far been disposed of?

(b) What is the balance still remaining to be disposed of?

(c) How many of the applications disposed of relate to Sind, Punjab, N.W.F.P. and Baluchistan separately?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) So far 1317 applications have been disposed of finally.

(b) 2845 applications require to be disposed of finally. Out of these, 788 applications have been scrutinised and returned to claimants for compliance with objections, leaving a balance of 2057.

(c) Province-wise account of applications has not been kept, but the Central Government does not deal with cases of displaced Government employees of the United Punjab Government.

COTTON (PROCUREMENT AND IMPORT)

270. Shri S. N. Das: (a) Will the Minister of **Commerce and Industry** be pleased to state whether the procurement and import programme for cotton for the next season has been settled?

(b) If so, what is that programme?

(c) What are the recommendations and suggestions of the Cotton Advisory Board?

(d) Which of their recommendations have not been accepted by Government?

(e) Have the cotton interests been consulted?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). These are still under consideration.

(c) The Cotton Advisory Board recommended that:

(i) cotton control should be tightened and improved by providing for quality checks,

(ii) the top ceiling price of standard Jarilla should be raised from the present *de jure* level of Rs. 770 and *de facto* of Rs. 865 to Rs. 950 per candy of 784 lbs each, and prices for other varieties fixed accordingly,

(iii) differentials for the superior varieties should be raised in a suitable manner,

(iv) cultivation of inferior varieties of cotton should be prohibited in what should be declared as 'protected areas' where seeds for improved varieties should be supplied directly by the Government or through approved agencies, and

(v) Buyers' Panels may be appointed in each cotton zone.

(d) Government have accepted (i), (iii) and (iv). As regards (ii) a copy of the schedule of prices including the scale of premia and discounts is placed on the Table of the House [*See* Appendix VII, annexure No. 22.]

The recommendation No. (v) is under consideration.

(e) Yes.

ANTI-INDIAN PROPAGANDA BY PAKISTAN

271. Shri S. N. Das: Will the **Prime Minister** be pleased to state:

(a) from which of the Middle East countries reports have been received

by the Government of India that Pakistan Government is carrying on anti-Indian propaganda;

(b) whether any of the Governments of these countries has warned the Pakistan Government not to indulge in such activities;

(c) if so, which are those Governments; and

(d) the steps so far taken by the Government of India to counter such propaganda?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Reports are continually being received from our representatives in the Middle East and other countries of systematic and false anti-Indian propaganda by Pakistan.

(b) and (c). It appears that the Government of Iran has asked the Embassy of Pakistan not to indulge in hostile anti-Indian propaganda in their official bulletins.

(d) Generally speaking, whenever anti-Indian and false propaganda by any Government agency comes to the attention of our missions abroad, they either protest to the Government of the country to which they are attached or issue contradictions in the local press. Our missions are supplied regularly with factual information on which to base their protests or contradictions.

INDIAN FORCES SENT TO NEPAL

271-A. **Shri Krishnanand Rai:** Will the **Prime Minister** be pleased to state:

(a) whether the Indian Forces that were sent recently to suppress lawlessness in Nepal have been withdrawn totally; and

(b) whether the objective for which the forces were sent has been achieved?

The Deputy Minister of External Affairs (Dr. Keskar): (a) and (b). Yes. The Indian forces were withdrawn within two weeks.

सत्यमेव जयते

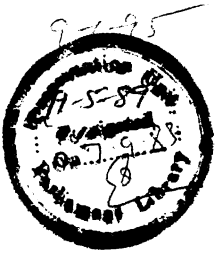
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME XV, 1951

(30th August, 1951 to 22nd September, 1951)



Fourth Session

of the

PARLIAMENT OF INDIA

1951

CONTENTS

Volume XV—30th August, 1951 to 22nd September, 1951

Columns

THURSDAY, 30TH AUGUST, 1951—

Papers laid on the Table—

(*i*) White Paper regarding Japanese Peace Treaty; and (*ii*) Draft Japanese Peace Treaty 1595

Letter to Bombay Mutual Life Assurance Society Ltd. under Section 27 of Insurance Act . . . . . 1595—96

Indian Companies (Amendment) Bill—Presentation of Report of Select Committee 1596

Government of Part C States Bill—Consideration of clauses—*Not concluded* . 1596—1664

FRIDAY, 31ST AUGUST, 1951—

Business of the House . . . . . 1665—67

Papers laid on the Table—

Annual Reports and Audited Accounts of Employees State Insurance Corporation for 1948-49 and 1949-50 1667

Press (Incitement to Crime) Bill—Introduced 1667

Delhi and Ajmer Rent Control Bill—Extension of time for presentation of Report of Select Committee . . . . . 1667—69

Evacuee Interest (Separation) Bill—Extension of time for presentation of Report of Select Committee 1669

Government of Part C States Bill—Consideration of clauses—*Concluded* . 1669—1812

MONDAY, 3RD SEPTEMBER, 1951—

Motion for Adjournment—

Imposition of a compulsory war levy on non-Muslims of East Pakistan . 1813—14

Papers laid on the Table—

Bedaux Report on Central Stationery Office, Calcutta 1815

Benares Hindu University (Amendment) Bill and Aligarh Muslim University (Amendment) Bill—Extension of time for presentation of Reports of Select Committees . . . . . 1815—18

Government of Part C States Bill—Passed, as amended . . . . . 1818—73

Railway Companies (Emergency Provision) Bill—Discussion on motion to consider—*Not concluded* . . . . . 1873—88

TUESDAY, 4TH SEPTEMBER, 1951—

Motions for Adjournment—

Accident on Shahdara-Saharanpur Light Railway . . . . . 1889—91

Madras High Court Decision *re* Notification under Cotton Control Order of 1951 . . . . . 1892—93

Papers laid on the Table—

Report of Indian Delegation to Fourth World Health Assembly . . . 1894

Ganesh Chaturthi Festival . . . . . 1894—95

Delhi Special Police Establishment (Amendment) Bill—Introduced . . 1895

Industries (Development and Control) Bill—Referred to Select Committee . 1895—1924

Railway Companies (Emergency Provision) Bill—Consideration of clauses—*Not concluded* . . . . . 1924—84

WEDNESDAY, 5TH SEPTEMBER, 1951—

Railway Companies (Emergency Provision) Bill—Passed, as amended . 1985—2034

Indian Companies (Amendment) Bill—Consideration of clauses—*Not concluded* 2035—66

	Columns
THURSDAY, 6TH SEPTEMBER, 1951—	
Training and Employment Bill—Recommendation for consideration withheld	2067—83
Prohibition of Manufacture and Import of Hydrogenated Vegetable Oils Bill—Discussion on motion to consider—*Not concluded*	2083—2200
FRIDAY, 7TH SEPTEMBER, 1951—	
Leave of absence from the House	2201
Papers laid on the Table—	
Notification under section 2C of Insurance Act, 1938	2201
Benares Hindu University (Amendment) Bill and Aligarh Muslim University (Amendment) Bill—Presentation of Reports of Select Committees	2201—03
Notaries Bill—Extension of time for presentation of Report of Select Committee	2203—04
Indian Companies (Amendment) Bill—Passed, as amended	2204—60
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2260—78
MONDAY, 10TH SEPTEMBER, 1951—	
Leave of absence from the House	2279
Papers laid on the Table—	
Report *re* Flying of a fan blade in Parliament Chamber	2279—80
Statement showing action taken on assurances and undertakings	2280
Revised statement *re* disabilities of Indians in Mauritius	2280
Delhi Premises (Requisition and Eviction) Amendment Bill—Presentation of Report of Select Committee	2281
Evacuee Interest (Separation) Bill—Presentation of Report of Select Committee	2281
Go-Samvardhan Bill—Extension of time for presentation of Report of Select Committee	2281—83
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2283—2364
TUESDAY, 11TH SEPTEMBER, 1951—	
Leave of absence from the House	2365
Admissibility or disallowance of questions	2366—69
Statement regarding contract for carriage of mails	2369—70
Papers laid on the Table—	
Notification amending Indian Aircraft Rules, 1920	2370
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2370—2430
WEDNESDAY, 12TH SEPTEMBER, 1951—	
Business of the House	2431—33
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2433—2528
FRIDAY, 14TH SEPTEMBER, 1951—	
Part C States (Miscellaneous Laws) Repealing Bill—Introduced	2529
Press (Incitement to Crime) Bill—Discussion on motion to refer to Select Committee—*Not concluded*	2529—90
SATURDAY, 15TH SEPTEMBER, 1951—	
Business of the House	2591—94
Delhi and Ajmer Rent Control Bill—Extension of time for presentation of Report of Select Committee	2595—97
Displaced Persons (Debts Adjustment) Bill—Extension of time for presentation of Report of Select Committee	2597—98
Press (Incitement to Crime) Bill—Referred to Select Committee	2598—2672

MONDAY, 17TH SEPTEMBER, 1951— *Columns*

Notaries Bill—Extension of time for presentation of Report of Select Committee 2673

Industries (Development and Control) Bill—Extension of time for presentation of Report of Select Committee . . . . . 2673—74

Hindu Code—Consideration of clauses—*Not concluded* . . . . . 2674—2738

TUESDAY, 18TH SEPTEMBER, 1951—

Papers laid on the Table—

Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951; and Ministry of Law Notification amending these Rules . 2739—40

Half-yearly statement of cases in which the lowest tenders have not been accepted by the India Store Department, London 2740

Statements showing the recommendations of the Estimates Committee and action taken thereon by Government . . . . . 2740—42

Indian Foreign Service Rules 2742

Companies (Donations to National Funds) Bill—Introduced . . . 2742

Hindu Code—Consideration of clauses—*Not concluded* . . . 2742—2840

WEDNESDAY, 19TH SEPTEMBER, 1951—

Hindu Code—Consideration of clauses—*Not concluded* . 2841—98

THURSDAY, 20TH SEPTEMBER, 1951—

Papers laid on the Table—

Delimitation of Council Constituencies Orders, 1951 . . . . . 2899—2901 99—2901

Delimitation of Parliamentary and Assembly Constituencies (Amendment) Orders, 1951 . . . . . 2969—72

Hindu Code—Consideration of clauses—*Not concluded* . . . . 2901—69

FRIDAY, 21ST SEPTEMBER, 1951—

Statements by Ministers . . 2973

Papers laid on the Table—

Punjab Security of the State Act, 1951 (President's Act I of 1951) . . . 2974

Report of Delegation to Thirty-third Session of International Labour Conference 2974

Hindu Code—Consideration of clauses—*Not concluded* . . . . 2974—3054

SATURDAY, 22ND SEPTEMBER, 1951—

Leave of absence from the House 3055

Hindu Code—Consideration of clauses—*Not concluded* . . . . 3055—3138

THE

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

PARLIAMENT OF INDIA

Tuesday, 18th September, 1951

The House met at Half Past Eight of the Clock

[MR. DEPUTY-SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

PAPERS LAID ON THE TABLE

(i) REPRESENTATION OF THE PEOPLE (CONDUCT OF ELECTIONS AND ELECTION PETITIONS) RULES; AND (ii) MINISTRY OF LAW NOTIFICATION AMENDING THESE RULES.

The Minister of Law (Dr. Ambedkar): I beg to lay on the Table a copy of each of the following documents:

(i) The Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, and

(ii) Ministry of Law Notification No. F.134/51-C, dated the 10th September, 1951, amending these Rules. [*Placed in the Library. See* No. P-212/51.]

Shri Sidhva (Madhya Pradesh): When will these rules be available to Members? Are they printed?

Dr. Ambedkar: I cannot say, but...

Shri Sondhi (Punjab): When will they be available?

The Minister of Works, Production and Supply (Shri Gadgil): They are printed and they are available now.

Shri Sidhva: But yesterday I made enquiries from the Election Commissioner and these rules were not then available.

Shri Gadgil: They are printed and they are available.

Shri Sidhva: But where are they?

Mr. Deputy-Speaker: The hon. Minister will make them available.

Shri Gadgil: Unless it is printed how could I get it?

Shri Sidhva: The hon. Minister might have got an advance copy.

HALF-YEARLY STATEMENT OF CASES IN WHICH THE LOWEST TENDERS HAVE NOT BEEN ACCEPTED BY THE INDIA STORE DEPARTMENT, LONDON.

The Minister of Works, Production and Supply (Shri Gadgil): I beg to lay on the Table a copy of the half-yearly statement of cases in which the lowest tenders have not been accepted by the India Store Department, London. [*Placed in the Library. See* No. P-209/51.]

Shri Sidhva (Madhya Pradesh): Of course, we will examine the statement, but may we know in how many cases the lowest tender was not accepted?

Shri Gadgil: The Statement shows one case in which the contract was made for £ 183 while the lowest tender was £ 130-3 shillings.

STATEMENTS SHOWING THE RECOMMENDATIONS OF THE ESTIMATES COMMITTEE AND ACTION TAKEN THEREON BY GOVERNMENT.

The Minister of State for Finance (Shri Tyagi): I beg to lay on the Table three statements showing the recommendations of the Estimates Committee and action taken thereon by Government. [*See* Appendix VIII.]

While laying the first statement on the 8th June, 1951, on the progress made in regard to the recommendations of the Estimates Committee, I mentioned that, owing to other pre-occupations, the examination of the recommendations contained in the Third Report relating to the Ministry

[Shri Tyagi]

of Commerce as well as certain recommendations included in the Fourth Report relating to the Ministry of Works, Mines and Power could not be completed, and I promised to lay a further statement on the Table of the House during the present session.

I am now placing a statement before Parliament in regard to these recommendations. To the statement, an annexure has been added to show the progress that has been made in respect of such of the recommendations dealt with in the previous statement as required further action.

I should like to take this opportunity of thanking the Ministries concerned for their co-operation and assistance in the matter. I should also like to congratulate the members of the Estimates Committee on the care, thought and insight displayed by them in dealing with the various important and knotty problems that came up for their examination. Of these, I need not say anything more: the recommendations made by the Committee speak for themselves.

Shri Sidhva (Madhya Pradesh): What is the total saving, may we know?

Shri Tyagi: Sir, the ...

Shri Sondhi (Punjab): Change of place means change of heart also.

Shri Tyagi: The statement is laid on the Table of the House and it contains valuable information and I am sure my hon. friend will be interested to read it.

Shri Sondhi: But what is the total saving involved?

The Minister of Home Affairs (Shri Rajagopalachari): Sir, are we having a debate on this?

Mr. Deputy-Speaker: No, only just one or two questions. Hon. Members evidently are very anxious to know how far these recommendations have been implemented. But let there not be a general discussion.

Shrimati Durgabai (Madras): May I know which of the recommendations and relating to which Ministry have been fully implemented?

Shri Tyagi: The statement is .....

Mr. Deputy-Speaker: The statement speaks for itself.

Shrimati Durgabai: But, Sir, the hon. Minister is willing to give the information.

Shri Tyagi: Practically all the recommendations have been accepted.

Shrimati Renuka Ray (West Bengal): Which are the ones not accepted?

Shri Tyagi: Not any which has not been accepted at all. But there are two or three which are still receiving consideration.

Shrimati Durgabai: Have the recommendations of the Estimates Committee been fully implemented?

Mr. Deputy-Speaker: The hon. Member may kindly look into the Report.

Shrimati Durgabai: Sir, you may allow us to...

Mr. Deputy-Speaker: The hon. Member yesterday said that there ought not to be any difference shown.

INDIAN FOREIGN SERVICE RULES

The Deputy Minister of External Affairs (Dr. Keskar): I beg to lay on the Table a copy of the draft Indian Foreign Service Rules, promised in reply to supplementaries to Starred Question No. 1 on the 7th August, 1951. [*Placed in the Library. See* No. P-211/51.]

COMPANIES (DONATIONS TO NATIONAL FUNDS) BILL.

The Minister of Home Affairs (Shri Rajagopalachari): I beg to move for leave to introduce a Bill to enable companies to make donations to national funds.

Mr. Deputy-Speaker: The question is:

"That leave be ganted to introduce a Bill to enable companies to make donations to national funds."

The motion was adopted.

Shri Rajagopalachari: I introduce the Bill.

HINDU CODE—*contd.*

Clause 2.—(Application of Code)—*contd*

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the Bill to amend and codify certain branches of the Hindu Law as reported by the Select Committee.

Dr. Deshmukh (Madhya Pradesh): Sir, between the time I left my speech incomplete yesterday and now, two fine ladies who did not share.....

Shri Sondhi (Punjab): What is meant by "fine ladies"?

Dr. Deshmukh: Two cultured and...

Shri Sondhi: You may say modern ladies.

Dr. Deshmukh: No, not so modern as we are accustomed to see.

As I was saying, these ladies placed before me very strongly and sincerely their point of view. It was clear they viewed the Bill from a different angle. And while the hon. Prime Minister is here I may also say that these ladies complained that their point of view has never received adequate consideration at the hands of the Prime Minister, and that there have been attempts made to come in the way of his being informed of the strength of their feelings and the view point that they wished to present before him. If this is a fact, and if it is not too late to do so, I would feel much obliged if these ladies could call upon the Prime Minister to place before him their point of view. They are entirely opposed to the Hindu Code Bill in any shape or form, including the provisions relating to divorce and monogamy. They say that it is an attack on Hinduism and on Hindu religion which will be not for the good of anyone. They also contend that essentially these are radical changes and these are sponsored by a few...

The Minister of Law (Dr. Ambedkar): For my own enlightenment, I would like the hon. Member to say what he means by "they". I could not hear the opening part of his sentence.

An Hon. Member: Two fine ladies, he said.

Shrimati Durgabai (Madras): Will the hon. Member give us the names of these ladies for the benefit of hon. Members, because this may reflect on many ladies who are not of that opinion.

Mr. Deputy-Speaker: Two ladies do not cover the entire world.

Dr. Deshmukh: They are as representative as my learned sister here claims to be in this House. And, Sir, it is also their contention that in their discussions they have been able to convert many persons who had agreed with my hon. sister here and who were of her inclination. They are opposed to divorce because they say.....

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Who are they?

Dr. Deshmukh: Sir, by this interruption I think the hon. Prime Minister has admitted the statement that he has not seen them.

Shri Jawaharlal Nehru: I do not know who they are.

Dr. Deshmukh: There is a Women's League in existence in India and...

Shrimati Durgabai: Yes, nobody denies that; but we want to know the names of these two ladies.

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): He is referring to persons who are outside the House and are not in a position to defend themselves.

Mr. Deputy-Speaker: There is no question of defence or offence.

Dr. Deshmukh: I am glad Shrimati Durgabai admits the existence of a Women's League.....

Mr. Deputy-Speaker: There are opinions and opinions on the Code. Hon. Members are entitled to say that there is a certain opinion, that some ladies came to him and represented it to him. Further reference to the ladies is not necessary. It is for the House to accept or reject such an opinion of those people. In so far as a Member wants to mention the opinion which he is either going to support or controvert he can do so, instead of saying two ladies every now and then.

Shri Jawaharlal Nehru: The difficulty is that he particularly referred to me and wants me to see unknown people of unknown whereabouts. How can I do that?

Dr. Deshmukh: They will not remain unknown and unseen as soon as they appear before the Prime Minister.

Shri Karunakara Menon (Madras): Are they above sixty or below sixty?

Mr. Deputy-Speaker: Evidently the Prime Minister has not given an interview to those ladies. If the hon. Member is not willing to give the names, he will communicate them.

Shrimati Durgabai: Unless they want to remain anonymous.

Dr. Deshmukh: Not at all. The mere mention of there being ladies of a different viewpoint has excited our sisters here so much. (*Interruptions*). They are also aware that a good many ladies, not alone the few ladies who came to see me, have resigned from the All India Women's Conference.

Several Hon. Members: Who are they? (*Interruption*).

Dr. Deshmukh: I can give not only their names but if I present them before you in all their strength you will probably be frightened. Their number is so large that it is impossible to give their names.

Shri Sidhva (Madhya Pradesh): They are unknown women: they were canvassing in the Constitution House yesterday.

Dr. Deshmukh: You have seen two of them yesterday.

Shri Sidhva: They were unknown women.

Dr. Deshmukh: Those are the very ladies I am referring to.

Mr. Deputy-Speaker: The hon. Member will resume his seat. This is a very contentious matter. There is a large body of opinion in favour of it and there is also a body of opinion against it. It is no good talking of unknown women and unknown men. It does not add to the dignity of the proceedings of the House. The hon. Member need not refer again and again to these two women. There are not only two but two thousand against the Code and there are also two million on the other side. So there is opinion both for and against. We are here discussing the Bill dispassionately. Let nothing be said which is derogatory to the high dignity of the House. Unknown women and unknown men are expressions which are not rather very parliamentary. The hon. Member need not pursue the matter by saying two ladies, again and again.

Dr. Deshmukh: I had no desire to do so but for the interruptions. Sir, I will now come to the various amendments moved in the House. My friend Dr. Mookerjee suggested many alternatives to the acceptance of the Code. One of them was to make the provisions of the Code optional. There is also an amendment to say that there should be a referendum and if the majority of the people supported the Code in the referendum, then it should be made applicable. I had given notice of an amendment last time which referred to the Hindu Code as a whole and suggested that it be made applicable in any State after the Legislature of the State after the next elections had ratified it. There is a good deal of force in the suggestion regarding ratification by the State Governments and State Legislatures. After all we are not trying to go the way of Hitler and other dictators who forced social and other reforms on the people. We are a democratic nation and want to stick to democratic methods. If there is to be democracy and since this is only a personal law and not a law necessary for the maintenance of law and order or other purposes (it may be necessary in the view of some for the advancement of the community) there can be two opinions and one can be as honestly and steadfastly held as the other one.

In the case of some of the reforms suggested the experience elsewhere in the world has not been altogether happy. Take for instance the divorce law. There are various degrees of divorces and varying facilities for obtaining the same current in the world. Those who advocated divorce and wanted to organise society on individual freedom have come to grief and looking at these consequences in foreign countries, when some of our people merely try to imitate others, because they think it is more fashionable to advocate that view, some people feel apprehensive that this is sheer mad and sheepish imitation. That spirit of sheer imitation is there and the support for it is also there, because these people have never had the patience to study the actual results which have come about in foreign countries. So the orthodox opinion which does not share the view of the reformists is equally honestly held and is as well founded. When we know that the Hindu religion, the Hindu law and the Hindu custom have survived the onslaughts of history for thousands of years, naturally we feel that this is the one country or nation or community which has something of its own and instead of there being a flat uniformity, the consequences of which have been evil in many cases, why not try and evolve a system just as it has been evolved all these thousands of years. I do claim that the Hindu religion and the Hindu law are the one religion and the one law which have been evolved through the centuries. They have not remained stagnant and I am sure Dr. Ambedkar will admit that the Hindu law and custom have never been static: they have adjusted themselves to the circumstances from time to time and are capable of doing so hereafter also.

It is quoted that the Chinese and the Americans say that we are a backward people, because we have not got such and such a social system. Before we accept such comments bearing upon our society and before we incline ourselves to accepting their viewpoint, we must know what those people are. May I ask how far these Chinese and Americans have studied our religion and our law? Have they imbibed the

spirit of the Hindu religion before they condemn it or suggest any reform in our society? That is a very pertinent question. Merely saying that a group of persons from foreign countries do not like it and suggest some modifications in our law or custom cannot be accepted. If we merely try to please a certain group of individuals without judging the background of the views they hold we would be meeting the fate of the donkey, the old man and his son, who tried to please every group of spectators they met on their way. In the beginning they were carrying the donkey and the old man and his son were walking. People laughed at them saying "Here is a man leading a donkey without either he or his son riding." So the old man got up on the donkey leaving the son to walk beside him. Still people laughed at them saying "Here is the old man riding the donkey leaving the poor little boy to walk along." So the boy also .....

Mr. Deputy-Speaker: Every body knows the donkey story.

Shri Bharati (Madras): Who is the donkey here?

Dr. Deshmukh: I want to impress upon the people that they are donkeying .....

Mr. Deputy-Speaker: Details of the donkey story need not be retailed here.

Dr. Deshmukh: I would not have referred to this story but since this donkeying is going on time and again, very sensible people who ought to understand the value of the opinions of foreigners somehow or other try to persuade us and influence us by that mere fact. They say because certain foreigners say something there should be certain changes. I for one would not only not listen to such opinions but would not like anybody to give up his own viewpoint on this ground.

So far as the basis of the Code is concerned it should be introduced only where we find that the circumstances demand it and not force things against the will of the people. It is certainly true that there is a very large body of educated women who are behind this Code. They are said to be very firmly of the opinion that the passing of the Code is necessary. If we analyse the amount of education there is especially among the women of India, we will realise that these women are hardly a drop in the ocean; the number of these women who are asking for a radical reform and changes in our law is extremely small. On the other hand, they are so impatient that they are not prepared even to listen to the other point of view of the ladies who have as much sense as they have except their English or foreign education. When I was referring to "they", I was referring to those millions of women living in our villages who have as good commonsense, and who know what they are and what they wish to be; it is they who are apprehensive of the changes that you are suggesting because even the introduction of divorce is going to change the attitude of everybody, of the society as a whole. The question I would like to ask is: Are you going to enter a wedlock with the idea of divorce, or are you going to enter wedlock with the idea of staying in it permanently? If you adopt measures of easy divorce there is going to be a big change of attitude. Of course we are prepared to have that change and suffer the consequences, but the educated ladies who are sponsoring and advocating the passing of this Bill have not thought of all the consequences that are going to be fall especially to the lot of the illiterate women. After divorce an educated girl may be able to stand on her own legs, get a sufficiently lucrative job anywhere, and probably get a better husband. But what is going to happen to an illiterate woman? My lady friends here still complain of the dominance of the male sex, and to the extent that the woman is tyrannised by men, what is going to happen to the illiterate woman who will be the object of these vagaries and domination of the male sex? Have these educated women ever considered the consequences which will result from divorce, for example, the care of children and their protection?

So, although I have expressed myself in favour of it, I would like to caution that in introducing any reform or changing any portions of our law we must coolly study the consequences that are going to result therefrom. Unless we do that we may be trying to do things which may not be necessary at all. I feel that there is much in the Hindu religion, there is much in the Hindu Law which deserves to remain, though probably in a slightly reformed condition. But the attitude behind some of the suggestions is somewhat anti-Hindu: they regard everything Hindu as suspect and look down upon it with contempt. They have somewhere or somehow imbibed the idea that whatever exists in India is absolutely rotten and that unless they go on the lines of foreign nations and imbibe their ideas and introduce them here, the Hindu society will not come up to the standards they expect of it. I am quite prepared to admit that they are actuated by honest motives, but at the same time there

[Dr. Deshmukh]

can be a different point of view which suggests that merely by blind imitation you are not going to survive. The way to survive is to modify according to the times and not go on in a whole-hogging fashion to change the very basis and fundamentals of our law and society. And from that point of view I suggest considerable caution. When I spoke yesterday, I thought the intention was to pass this Bill with only the marriage and divorce sections in it and that the rest of the Bill was not likely to come up. But now I find that is not the attitude of those who are in favour of the Bill; they do not wish to omit the other portions. They are prepared to confine the enactment to the two chapters only from the point of view of availability of time but they do not wish to give up the rest of the Bill. If that is the idea, then I am afraid many of the Members of this House will probably change their attitude because it does not mean it is a compromise which will last as after getting these two chapters passed they will probably insist upon the property clauses and the other sections of the Code. If we look to the history of the codification, we will find that there is a great and important body of public opinion against the Bill. Most of the bar associations have not only been against modification but they have been against codification also. The Committee that was appointed for the purpose found, when it went round the country, innumerable associations and innumerable individuals who expressed their strong condemnation of the proposals that were going to be made. Under these circumstances, I feel that it is not proper that we should say that after passing these two chapters we will take up the rest of the Bill also and that we will not give it up. It should be definitely understood that so far as this Parliament is concerned, we should confine to the marriage laws provided in this Bill. The question of whether there is any possibility of the property clauses being taken up will, I think, determine the attitude of support or opposition of certain Members of the House. If it is the idea that the entire Code should be taken up, then it would be very wise to leave this to ratification by the State Legislatures. Then we will be giving them sufficient time to educate public opinion so that if the Code is really wanted, if there is any important body of public opinion in favour of the various detailed changes sought to be made in the Hindu Law, then the concerned State can accept it. And there is no harm in one State accepting it and another not accepting because this is a matter of personal law and it should be completely open to any individual or group of individuals to choose the sort of law that they want.

While I support the provisions with regard to monogamy and divorce and say that they may be passed (although I would like to suggest certain modifications, and one I have already moved yesterday, namely that the customary divorce law should be allowed to continue—and I am glad to find it is likely to be accepted), I suggest that the present proposals should be confined only to the marriage and divorce laws and nothing else should be enacted by this Parliament for the present.

Shrimati Jayashri (Bombay): I beg to support the amendment moved by the hon. Law Minister to clause 2. I am glad that sub-clause (4) of clause 2 is sought to be dropped. That sub-clause says:

> "Notwithstanding anything contained in the Special Marriage Act, 1872 (III of 1872), this Code shall apply to all the Hindus whose marriages have been solemnized under the provisions of that Act prior to the commencement of this Code."

10 A.M.

I am glad that this sub-clause has been dropped, because under the Special Marriage Act the rights that people enjoyed were much broader. This applies to the Indian Succession Act also. Although under the Hindu Code we are trying to bring about reform, yet this Code does not confer the same rights which are available under the Special Marriage Act.

Mr. Deputy-Speaker: Under the Special Marriage Act, they cannot adopt. Under this Code, they can. Is that not an advance?

Shrimati Jayashri: I am saying that the inheritance rights there are broader than under the Hindu Code. So, I am glad that he has dropped this sub-clause from the Bill.

With regard to the argument as to why we should not make this an ideal and universal Code which can be applied to Muslims, Parsis and Christians, I would like to say that we must first find out whether Members are prepared to go so far. It would be an ideal Code if we could reach to the stage of the Indian Succession Act and the Civil Marriage Act, but it is clear that our society is not at present prepared even to accept the reforms under the Hindu Code and go thus far. So, I wonder whether Members will accept the broader principles which underlie the Special Marriage Act.

Yesterday Dr. Mookerjee said that the Muslims also should be asked to accept the monogamy principle. I would like to say that the Muslim Law gives much more rights to women. Under our existing Hindu Law, women are not given those rights.

Mr. Deputy-Speaker: He was on the question of monogamy.

Shrimati Jayashri: Monogamy and sacramental marriage. In regard to our sacramental marriage, this is what the married couple pledge themselves to do:

> "Having taken these seven steps with me, we have become companions. May I retain that companionship and never part from thee nor thou from me. Let us be united. Let us always take counsel together, loving each other and ever ready in each other's company, let us be united in mind and grow together in strength and prosperity. Let us join in our aspirations, our vows and our sorrows."

May I ask whether this ideal of sacramental marriage is kept in our present society? I would request Dr. Mookerjee to give his honest opinion whether he really thinks that no reform is necessary in our present Hindu Marriage Law. We all know that our Hindu society allows a man to marry as many times as he likes. This vow which we take during the marriage ceremony is only meant for women. Our laws are one-sided. They are only meant for women. We all know that when a man becomes a widower, even at the burning ground when he goes there to attend his wife's funeral his engagement takes place. So, a man considers marriage in such a light manner. And still, we talk of our Hindu marriages being sacramental.

Mr. Deputy-Speaker: Widows also can marry.

Shrimati Jayashri: Women are more conservative in that way. They still consider that they would not like to marry even if they become widows. They do not seek to have second marriages, but due to the one-sidedness of our Hindu Law *Nariprathishta* has gone down.

Hon. Members must have read K. Mushruwala's article in the *Harijan* where he shows how we are treating women in our society at present. We all know how in the Mahabharat the clothes of Draupadi were removed and she prayed to Krishna:

"कौरवार्णवमग्नानामुद्धरस्व जनार्दन"

["I am sinking in the sea of *Kauravas*. Save me O Krishna."]

Similar cries we hear today from our poor women who are ill treated by our society. We call our Hindu society *Sanatana*, that is to say, *Sada Nutan* (always new)—it is always changing. Change is the essence of life. If society does not change, it becomes stagnant. For thousands of years our society has survived because it has accepted changes.

The idea has been pressed that we should not have divorce; that our marriages are sacramental, as Dr. Deshmukh said just now. From olden days we read in our *Smritis* (*Parasara* and *Narad*) that under certain conditions divorce was accepted. In the Hindu Code today we have tried to maintain the sanctity of marriage and the welfare of the parties. The framers have provided prior remedies for avoiding the extreme step of seeking divorce and those are restitution of conjugal rights and judicial speration. Therefore, divorce is not very easy. In Baroda the Divorce Act was passed in 1937, and in the analysis taken in the year 1939 the cases of divorce and judicial separation were 42 in number. Out of these, eleven were due to cruelty; two due to desertion and cruelty; seven due to desertion by husband; one due to desertion by wife; six due to cruelty and habitual drunkenness of husband and marrying a second time. These cases show that divorces are not very easy. Only under special conditions divorces are granted.

Also we know that divorces are prevalent in the lower classes. Only in the upper classes this Code seeks to introduce this change. Yesterday, Dr. Mookerjee raised the cry of 'religion in danger'. I would ask him whether beating of one's wife is considered to be religious. A woman filed a suit in one of the courts in Madras for assault by her husband. And the learned judge gave a judgment that beating the wife is allowed in Hindu Law. So, may I ask him whether such cruel customs can be called religious? Religion is always personal contact with God.

"ईश्वरः सर्वभूतानां हृद्देशेऽर्जुन तिष्ठति"

[O Arjun! God lives in the hearts of all living beings.]

It is not by passing particular laws that religion can be in danger. As I said Hindu religion is a vast ocean where changes take place now and again and we have accepted these

[Shrimati Jayashri]

changes. That is why our structure of Hindu religion has lasted for such a long time. May I also draw your attention to the necessity of changes in Hindu structure. I would say that at present our law is one-sided. We do not give any relief to our women. We have our National Planning Commission which wants to plan on the present structure. I would say that unless the social structure is changed, it is no use planning on that body which is rotten. I would in this connection like to make some suggestions for improvement in our society. In a planned society woman's place shall be equal to that of man: equal status, equal opportunities and equal responsibilities shall be the guiding principle to regulate the status of woman, whatever the basis of society in the plan. Woman shall not be excluded from any sphere of work, merely on the ground of her sex. Marriage shall not be a condition precedent to the enjoyment of full and equal civic status and social and economic rights by woman.

May I ask whether at present the status of woman is such, so that we can plan properly in the present society. Family life and organisation and woman's enjoyment of a share in the property are very necessary. Marriage and succession laws governing these are also necessary and that is why I feel that unless some change is made in our present Hindu Law, I do not think it would be possible to build on the structure that we find at present.

The Women's Conferences have always asked for a common Code. We are also in favour of a common Code. We are not asking that special privileges should be given to only Hindu women. We all know that at present our women are suffering and are backward. Parsi, Christian and Muslim women are far ahead of Hindu women in this respect and that is why at present we are supporting this Hindu Code. As I said earlier, if we make this Hindu Code an ideal one, the other communities also will have no objection in accepting our Code.

Dr. Deshmukh said that many women have resigned from the All-India Women's Conference on this question. On the contrary I would say that in our Conference we have from the very beginning, asking for these changes and it was due to our request that so many pieces of legislation on marriage, right of women to property, etc., were introduced. In Bombay when Dr. Deshmukh of Bombay wanted to bring the Bill on giving property rights to widows, we requested him not to hurry with this measure, but to wait so that it may include properties for daughters as well as adoption and other clauses. At that time he told us that he would like to hurry with the measure and that he would bring other reforms also. Therefore, these reforms are due for a long time and it cannot be said that we have not taken public opinion. Even this Hindu Code, as you know, is before the public for the last ten years and it is no use saying that public opinion has not been sounded. I think enough public opinion has been created and it is very wrong to say that very few women are supporting this measure. We have had many public meetings in various places and women from all over India are supporting this measure. On behalf of women I give my whole-hearted support to this Hindu Code.

The Minister of Works, Production and Supply (Shri Gadgil): I heard the speech of my hon. friend Dr. Syama Prasad Mookerjee with great attention. I should say that it was not entirely unhelpful. He said two things which appealed to me. One was that in the matter of social reform we should carry public opinion to the largest possible extent. Secondly he said that this was not a matter of politics. This was a matter in which every citizen of this country was interested irrespective of his or her political views. Because of these two things I am somewhat optimistic and I am certain that if we are able to create in this House an atmosphere of give and take and of compromise we will be able to put on the statute book something about which individually and collectively we may be proud of.

Dr. Syama Prasad Mookerjee praised the Hindu culture and called it dynamic. I share that view. It is because Hindu culture has the genius of adaptation to circumstances, it is because that it is responsive to new trends that it has survived and it has been the pride and glory of us all. Today there is a greater need for the leaders of thought to consider how we shall attempt to progress further and how we shall bring the law in line with public morality. The old ways may not be effective in the modern times and therefore it behoves us that we must also have to resort to modern methods. There is no dispute about the fact that there are certain evils; although I am a good Hindu and I will yield to none in my admiration for Hindu culture, still I am not blind to the faults which have crept in our life as a community. By adopting a Con-

stitution with the objective of equality of status and social justice, we have taken a great responsibility. We want to inaugurate a society in which there will be perfect equality. If that is the objective, then surely that cannot be achieved by following old methods or shouting old slogans. We have established political equality by adopting the system of adult franchise. We want to secure social justice and remove as far as possible economic inequalities by erecting certain economic institutions which will secure a better standard of life for those who are down-trodden, by securing opportunities for the expansion of the personality of every citizen. And that is only possible in my humble view, by nationalising at least the main means of production and securing an adequate standard of wages, controlling profits, and if at all private effort is to be given any place in the economic system by laying down that it shall be under the regulation and control of the State. In other words, by legislation we are trying to secure social justice and trying to remove economic inequality. If by legislation we have secured political equality, if by legislation we are attempting to secure economic equality or at least to remove economic inequalities, it is only logical that by the same process, namely by legislation, we must try to secure social equality.

My friend Dr. Syama Prasad Mookerjee stated that by codifying the Hindu Law you are shutting out altogether those sources of Hindu Law which have been functioning from ages and which has secured the means of progress so far. I agree that the sources of Hindu Law are *smritis, shrutis, sadachara,* and one's own conscience. All that is true. But all that was good and valid enough when the political constitution or the political set-up of the country was different from what it is now. Even in the West it was considered that a change in the law could be effected either by legislation or by legal fiction which meant that the law apparently remained the same but in practice it underwent a change and by custom. Even in the West the modern tendency is to depend mostly or substantially upon legislation in effecting the necessary changes which will make the law to be in conformity with public morality. Law always follows public morality. Public opinion goes ahead and progresses because the life in the community, not being static or stagnant, continually progresses, continually proceeds, because that is the law of life. Therefore the legislation comes behind. But there should not be such a big hiatus between the two so as to endanger the happiness of the community. It is therefore the duty of every thoughtful citizen, of every person who has the interest of the community at heart to see that the time-lag between the two is as short as possible.

Now, it is no good depending always upon the second method, namely of legal fiction, and allowing the judiciary to strain the meaning of plain words and asking them to try to bring the law in conformity with the prevailing opinion in the community.

The third method, namely that of custom, is I should say a misfit in modern circumstances. After all custom was good when the legal power of the State was not adequate, was not sufficiently developed in order to enforce what was thought to be just and proper and what was thought to be in the best interests of the community. Now, in the modern world to talk of custom prevailing over law is a sort of anomaly. If the custom is prevalent on such an extensive scale I have not the slightest doubt that legislators will initiate the legislation and the custom will be incorporated and dignified into a rule of law.

That being so I am unable to understand the argument of my hon. friend Dr. Syama Prasad Mookerjee that we are doing something revolutionary and in such a manner that the normal sources of law which were available will be completely closed. It is not so. Whatever we have inherited we have, so to say, instead of putting our inheritance into a number of banks consolidated the inheritance and put it in some bank which has the prestige and strength of a Reserve Bank, namely legislation. That is what we have done. In fact in the present Code as it is now before this House what is really done is that we are practically co-ordinating what is in existence—the present law—to the extent of eighty per cent. There is no doubt an element of progress to some extent. I will even concede that there is an element which to some extent goes in advance of public opinion. But I want to ask one question to the Members of this House. Is it or is it not our duty not merely to think in terms of the needs of the present moment but to think in advance of our society, as we visualise or as we desire that it ought to be? If planning is good in the economic sphere why should it be bad in the social sphere? We are anxious that our society should be such. If that is the ideal on which we are agreed and on the assumption that we are agreed—because we have adopted it

[Shri Gadgil]

as one of the objectives in our Constitution—then we have to consider how we shall manage to take our society to that destination. Can we follow a policy of *laissez-faire* in this sphere or shall we think ahead, think in advance just have our target and gradually, through the mechanism of law, which in due course, become part and parcel of the community's life and arrive at the destination according to the schedule?

Shri R. K. Chaudhuri (Assam): That is questionable.

Shri Gadgil: If we leave it to non-official effort I have no doubt that in course of time, may be two generations hence, things will become as we desire now. But by that time public opinion would have advanced much more. In other words we will never be able to cut the time element between the growing public opinion and the legislation. I therefore say that if there is any element of advance thinking in this Code it is justifiable, and I would say that it is an act of wisdom.

Now the opposition to this Bill has been from several points of view. There are people who do not like any interference by the Legislature in these matters. There are people who think that the Parliament, or the Legislature of the country, has a right to interfere but not the present Parliament. They rather prefer that the matter should be completely looked after and dealt with by those who will come after this Parliament is dissolved. So far as the first school is concerned I think, as was said rightly by Dr. Syama Prasad Mookerjee, it is too late in the day. Continually, in the course of the last 150 years, legislation after legislation has been passed by the Central Legislature—whatever the denomination of that legislature may have been—and all those things have become part and parcel of the Hindu community and its life. When I said that soon after the passing of this Code, same thing would happen, my hon. friend Dr. Syama Prasad Mookerjee was not agreeable. He has accused us, namely the Members of the Treasury Bench of suffering from "Secularities". I should say knowing as I do his views of social reform, knowing as I do that he comes from Bengal, a province where social reform was first mooted, beginning with Raja Ram Mohan Roy and carried on by Kesav Chandra Sen, Tagore and other people of great importance and consequence, that I cannot believe that he is seriously opposed to what is being proposed in the Hindu Code, but probably he is suffering from 'electionitis' and if that is so, the cure and remedy will be provided for in the general election. He agreed that it is very difficult to say on which side is the public opinion. I think he is right. We might claim public opinion to be...

Pandit Malaviya (Uttar Pradesh): Will the Government be prepared to make this Hindu Code one of the issues in the election?

Shri Gadgil: In spite of the Government, it has already become. The point is that it is difficult to say on which side the public opinion is. I want to ask in all humility one question to the hon. Members of this House. Has or has not the Government which still carried the confidence of this House some right to initiate social reform, not merely the right, but a duty enjoined on this Government in terms of the clauses of the Constitution? You have given us certain directives; you have laid down the objectives. If we do not do anything on those lines, the electorate might turn round and say: Well you passed this Constitution merely to fool us. Half the population in this country, namely, the women will say: You talk of social equality but where is that social equality. (*An Hon. Member*: Question). I am sure the hon. Member will lose in his own house if he takes a referendum.

Pandit Maitra (West Bengal): Does the hon. Member say half a dozen women or half the population?

Shri Gadgil: I take a better view of my sisters than my hon. friend is prepared to concede. However, as my hon. friend said, the thing will be evident a few months hence. The point is that the Legislature has passed a number of statutes affecting Hindu life, Hindu marriage, divorce, in fact every aspect of the law. Therefore, we cannot say now that this Parliament has no right. The question whether this Parliament has a right or not, I have already answered. So far this Parliament has been considered to be competent enough to make a Constitution for this country and it passes my comprehension to accept a proposition that this Parliament is incompetent to pass an ordinary law.

Pandit Maitra: The House was elected for giving a Constitution

Shri Gadgil: This very House passed the Constitution in which they passed the Chapter relating to transitory provisions. I do not think that my hon. friend Pandit Maitra objected then and said that this Parliament should have

no right to govern from now till the new House comes into existence after the general elections.

Pandit Maitra: That is nobody's case.

Shri Gadgil: I am glad. What is after all that is attempted to be done? As I said 80 per cent. is merely a collection of the existing statutes either passed by the Central Legislature or passed by the State Legislature. Dr. Syama Prasad was very eloquent over *Dharmic* marriage. I do not think that the Code prevents it. There is free scope from the Dhushyanta Shakuntala type of marriage to Prithviraj Samyugita type of marriage, namely from *Gandharva* to the *Rakshasa* type and all the eight forms can be practised by any Member of this House or by the public outside. This Code does not prevent love-making, it does not prevent eloping with bride's consent even against the consent of the parents. So far as eight forms of Hindu sacramental marriage are concerned, they are not affected in the least. What is the grievance? Is it because the word 'sacramental' has been changed into '*Dharmic*'? It was changed because all of us wished it; it conveys no meaning and therefore we said: let us take the word *Dharmic* which will fit in and convey some meaning, and that is why '*Dharmic*' was used.

An Hon. Member: It is a misnomer.

Shri Gadgil: My hon. friend Dr. Syama Prasad was very eloquent over the conception of Hindu 'marriage'. Those noble sentiments I personally share. Marriage is something more than mere union of bodies: it is a co-partnership: it is joint endeavour for spiritual uplift: it is so to say a custodian of confidences and feelings which cannot be expressed in any language of the world. It is a noble conception: I do share that but at the same time it does happen that sometime an ideal is perverted. We find that in a progressive society things happen which have got to be taken notice of by those who are leaders of society and who are leaders of thought. If today, particularly on account of our contact with the West, we have somehow or other to go down in certain respects, it does not mean that our culture is less; it only means a challenge to us to reform. We have got the genius to adopt, we had to act, and therefore, those legislations to which reference was made by my hon. friend, Dr. Syama Prasad Mookerjee were quite justified.

What is this prevention of a marriage between a person belonging to one community and a woman belonging to another? Does it sound very well in our modern days, in the year 1951? Does it sound very well that a man because he is born in a particular community that he must remain outside the boundaries of the village perpetually? Does it sound very well that because a man belonging to a downtrodden caste today by his merit has assumed a position of great importance and is learned today, he must not be given the same social status, the same social welcome, the same social reception as we give to a person belonging to another caste? Is the *Varna* to be determined irrespective of *guna* or it has to be determined in the context of *guna* or in other words "accomplishment"? That is a challenge to your sense of equality. If today the old ban against *Prathiloma* marriage is completely broken, you should welcome it. That is exactly what is being attempted. Why should there be such differences? If marriage is a matter of free choice, why should there be legal impediments in it? Why should a person belonging to one section or one community not marry a woman belonging to another? All these artificial man-made impediments must go. I do not remember any case in which the son of a *Brahmin* was born with a copy of *Vedas* or a *Kshatrya* born with a sword or a *Harijan* born with a broom. At birth they are all alike and at death they are all alike. In between the two, it is the duty of the society and the State to see that the same atmosphere of equality shall prevail. Anybody who argues against this argues against humanity, argues against the very principle which goes to make a man, argues against self-respect. What is being done here? Nothing contrary to our old traditions is being attempted. On the contrary, my accusation against my friend and colleague Dr. Ambedkar is that as he is growing old and old, he is growing less and less enthusiastic about social reform. Ten years ago, I think his language would have been more vitriolic; today he is the very soul of moderation. He said the other day, "Anyhow, with something changed here, something cut off there, and something added or subtracted, let me see the Hindu Code through because it will be considered at least one honest attempt by the present generation to put matters right". He is so anxious. He is in a mood to be prepared to give and take. I would therefore urge on the Members who are keen on opposing to see whether that is not a situation which we should avail of. I warn you that the next Parliament which will be elected on adult franchise is bound to be more radical in the matter of marriage and divorce.....

Some Hon. Members: Leave it to the next Parliament.

Shri Gadgil: ... although it may not be so radical to begin with in the matter of property. As regards, marriage, as regards divorce, I have not the slightest doubt, at least to the extent I know the mind and general outlook of those who inhabit my part of the country, Maharashtra.

श्री भट्ट : आगामी पार्लियामेंट पर ही इसे छोड़ दीजिये।

[Shri Bhatt (Bombay): Leave it to the next Parliament.]

Shri Gadgil: We would have welcomed it. I would have agreed to that if there had been no duty cast upon us to see that whatever ideals and objectives are embodied in the Constitution should be given effect to as far as possible. It is because of this duty, I have agreed to support this Code.

श्री भट्ट : आज ही कोई आस्मान नहीं गिर रहा है।

[Shri Bhatt: The skies are not falling today.]

श्री गाडगिल : क्या आस्मान गिरने वाला है, अगर यह पास हो जायगा। आस्मान उपर है। हम तो नीचे हैं, देख लीजिये कि नीचे क्या चीजें हो रही हैं।

[Shri Gadgil: Will the heavens fall if it is passed? The sky is above and we are below. See what things are happening down here.]

श्री आर० सी० उपाध्याय : बारिश नहीं हो रही है, इसी वजह से।

[Shri R. C. Upadhyaya Rajasthan): That is why it does not rain.]

Shri Gadgil: Now Dr. Syama Prasad Mookerjee asked, "Why monogamy only for the Hindus?". I ask one question. If monogamy is a good ideal, does it become bad because somebody else does not follow? We talk of *Ram Rajya*. If there is anything in the life and career of the Great Rama, it is his *Eka Pathni Vrath*. I want to test your sincerity. Are you for *Ram Rajya*? Then, give support for this part at least. It is no good talking about *Ram Rajya* when it suits you for election purposes and when it does not suit you.....

Shri R. K. Chaudhuri: What about *Dasaratha Rajya*? What did Dasaratha who was the father of Rama do?

Shri Gadgil: That is only an improvement by a new generation over the old. Beause he knew the troubles of having three mothers, he decided that his sons should have only one. That only shows how things progress.

An Hon. Member Was there divorce?

Shri Gadgil: There was that custom.

नष्टे मृते प्रव्रजिते क्लीबे च पतिते पतौ। पतिरन्यत् विधीयते।

[When the husband is lost, dies, goes to another land, becomes impotent or morally degenerate, another one is allowed.]

This proves it.

Dr. Syama Prasad Mookerjee's argument was that if it is good, let it be made applicable also to the Muslim community. I have no doubt that the Government either this or the Government that will come in power after the General Elections will not shirk to bring in a measure of that kind in which this particular law will be applicable to every one irrespective of religion.

Some Hon. Members: Why not now?

Shri Gadgil: As a matter of fact, I know that in Bombay, when the Bill for Monogamy was under discussion, the same line of criticism which was adopted by Dr. Mookerjee yesterday, was taken by many a Member in the Bombay Legislative Assembly. I remember that the Government of Bombay stated through their Minister that a Bill of that character would be welcome. Dr. Syama Prasad Mookerjee somehow or other thinks that this Government is nervous and may not bring some thing which may offend the Muslim community. I ask him just to consider if 90 per cent. of the people in this country, who are Hindus, agree to this measure, will it or will it not strengthen the hands of the Government to pass a legislation for the remaining ten per cent? By accepting this, you will strengthen the hands of Government. I might here mention one instance which I am sure you will recall: not you particularly. In 1930, when the first Child Marriage Restraint Bill was under consideration, to which subsequent amendments were moved by my hon. friend Mr. B. Das in 1938, when the original Bill was under discussion in this very Hall, Mr. Jinnah supported it, although the rest of the Mohammedan leaders who

were Members here opposed it, on the ground that it was interference with the personal law of the Muslim community. His words are, if there is a conflict between religion and public morality, the latter shall prevail, Mullahas or no Mullahas. You can find this out from the reports of the Legislative Assembly proceedings that this was his stand. If we are convinced that to have more than one wife is against public morality, I think, we must agree to monogamy. Monogamy is the first attempt at rationing in the social sphere so far. It is necessary in the highest interests of the community, in the highest interests of individual happiness that there must be monogamy and I have not the slightest doubt that the progressive elements in the Muslim community will accept it immediately. If the non-progressive does not accept it, it will equally be the duty of the Government to enforce it. I have no doubt about that, and if I ever am in that Government, be assured that I will do my best to enforce it. That is so far as my personal attitude is concerned. My point is, if that is *Amrit*, because it is not taken by somebody else, does it become poison? I think this is an insult to the intellectual greatness of this House to argue on these lines.

Coming to the question of divorce, nobody argues that every married couple should go for a divorce. At the same time, if it is the duty of the State to see that there is less of social friction, less of social tension, and efforts are made to create an atmosphere in which every individual will have the right to have maximum satisfaction and happiness, then, it is the duty of the State to create conditions for having judicial institutions or legal institutions of that character. Eighty per cent. or more in this country have something like customary divorce. They are not worried. But, in the five per cent. or ten per cent. or whatever the percentage may be, on account of marriage conditions or on account of several other factors,—probably the modern woman is more intellectual—if she for one reason or another finds that it is not possible to live with a man whom she has married, then, marriage should not be a life sentence. It should not be that there will be no happiness unless one of them dies. No doubt, such cases may be few but the exceptions are there. Therefore, there must be some provision made for the same. You may make it strict; you may not make it as cheap as in the West. But, speaking for myself, this is the most orthodox and reactionary law that you are laying down. Left to myself, I would have said that incompatibility of temper was enough ground to dissolve the marriage. After all, what is the assumption under the provisions for divorce? It is that the parties cannot be happy. Should they go through this tortuous process of adultery or alleged adultery or cruelty or desertion? What is the idea? Should they always go to a hotel and have evidence of hotel bills, etc. I think it must be a straight and honest and genuine affair that those who cannot agree, let them part. That will secure maximum happiness. People think that this will end society. But if this custom is available in 90 per cent. of the population and in spite of that society has continued to progress all these generations, I do not think the extension of it merely to the remaining five or ten per cent. is going to endanger the integrity of society. On the other hand, the consequences that will follow will all be for the good. In fact restricting marriages and all the old injunctions that you must not marry in the same *gotra* have good reasons behind them. These restrictions were due to considerations of eugenics. If that is the case with those injunctions, then these will have greater application if the boy or girl marries outside the caste. Then there will be greater virility in the race, better type of persons will come into existence. This is a matter which must be considered in an atmosphere of scientific understanding. This is not the time nor the occasion to dilate on this aspect of the question. I will only add that behind these injunctions against marriage between *sapindas* or *sagotras* there were eugenic considerations. They must be reassessed.

Shri A. C. Shukla (Madhya Pradesh): An old man marrying a young woman, is it according to eugenics or not?

Shri Gadgil: You should certainly stop an old man marrying a young girl.

Shri A. C. Shukla: What will be the position of the child born to an old man and a young woman?

Shri Gadgil: It will be as healthy as possible.

The point is, all those laws or customs which definitely have affected the progressive character of Hindu society ought to go. Dr. S. P. Mookerjee made a reference to *Brahmo Samaj, Sadhanan Samaj*. From Raja Ram Mohan Roy, to Ranade, Tilak, Agarker there is a galaxy of social reformers of whom we are all proud. But why should the process stop there? If what was done in the past was good we ought to follow the same principles

[Shri Gadgil]

of progress. And if we follow that same line of advancement, why should you be afraid now? Why should you think that because Manu was great, therefore there cannot be any man as great as Manu in the centuries that may roll after his death? I think Mr. Ahmad is as great or as good as Yagnavalkya, only without a *jenuva*. Otherwise he is as good an interpreter. And Dr. Ambedkar is as great as Manu or Gargya.

An Hon. Member: He is Manu.

Shri Gadgil: And I am as good as any other old citizen. And why should we feel that the present generation cannot undertake the task of social reconstructions? India could not be an integrated unit under one flag during ten or eleven centuries. But if that task was achieved by this generation is not this generation competent to do something in the social sphere to make society progressive? I want an answer to that question. You praise us and praise yourselves for having done something great in the political sphere. Why are you afraid of achieving something in the social field? Why do you have this inferiority complex? Of course what was done by Manu was good. But—

" तातस्य कूपोयमिति ब्रुवाणा
क्षारं जल कापुरुषाः पिवन्ति "

Because this well was dug by my great-great grand-father, and although the water of it is saltish, I must drink it. Well, that is not my outlook.

Shri R. K. Chaudhuri: Then why not throw away your sacred thread?

Shri Gadgil: I have thrown it away. Look here.

Pandit Malaviya: I believe the hon. Minister puts it on now and then whenever he feels like it!

Shri Gadgil: No, nothing of the kind. And since it is a matter concerning me, you will kindly permit me to dilate on it for a moment.

Shri Brajeshwar Prasad (Bihar): Sir, on a point of order. Is it parliamentary for the hon. Minister to show the House his tummy?

Shri Gadgil: Well, it was appreciated anyway.

Mr. Deputy-Speaker: I am glad this point was raised. I can only say that it is not proper for questions to be put whether a person is wearing this or that, leading to unnecessary complications.

श्री भट्ट : एक बात मैं पूछना चाहता हूं। क्या यज्ञ के समय वह यज्ञोपवीत धारण करते हैं या नहीं ?

[**Shri Bhatt:** I want to know one thing. Can he have *Yagnopavita* at the time of *Yagna*?]

Shri Gadgil: I am prepared to satisfy the curiosity of the hon. Member.

Mr. Deputy-Speaker: The hon. Minister need not discard his *Yagnopavita* to support the Bill. He can have it and still support it.

Shri Gadgil: Some years ago when I was in Thana Jail, and when I started thinking about Hindu religion, I thought I was not a good *Brahmin* and could not be one merely because I had a *Jeneu* and I discarded it. And only when I am a good Brahmin, even for a moment, I will put it on, and this I did when I attended the Somnath installations ceremony. Then I felt a moment of inspiration. I felt my whole being ennobled when I was there and I put it on for sometime. Later on I threw it away because I came from Heaven to the dust below. I shall only justify a *Brahmin* using the *Jeneu* if he is following all those great ideals which are enumerated in the Gita

अभय, आहिंसा, अस्तेय, आर्जवम् -

[fearlessness, non-violence, not to commit theft and straightforwardness] etc. Otherwise there is no good having a *Jeneu* and doing all sorts of things.

The point is whether we are competent to make any changes. The whole history of Hindu society shows that it is continually progressing from stage to stage. Otherwise how do you explain the numerous *Smritis*, one *Smriti* laying down one thing and another *Smriti* another? How do you explain this? Society is continuously progressing and something has got to be found which is appropriate to the *Sadachara* or *Vyavahara Dharma*. And the definition of *Sanatana Dharma*, as given by a great Shastri is:

सनातनः नित्य नूतनः

[The eternal is always new.]

Change is the watch-ward of Nature. Change or perish. We have a progressive society and it is a dynamic society, as was pointed out by Dr. Mookerjee and so we must continuously adapt ourselves to the changing circumstances. Of course, that does not mean that there is nothing steady or nothing stable.

Pandit Maitra: Where in Sanskrit literature is the word *Sanatana* defined as the hon. Minister has just now given out? *Sanatana* means.....

सदाभव इति सनातन : It means eternal.

That is the etymological meaning of the word. That is the grammatical meaning of the word.

Shri Gadgil: I am not prepared to accept the grammatical interpretation of the word *Sanatana.*

श्री भट्ट : काका साहब का अपना भाष्य हो सकता है ।

[**Shri Bhatt:** Kaka Sahib can have his own interpretation.]

Shri Gadgil: यह कुछ कम महत्व का नहीं है । काका साहब भी कुछ संस्कृत जानते हैं ।

[That is not of lesser importance. Kaka Sahib also knows some Sanskrit.] The point is through out history, there is in the Hindu community the tendency to progress. Why should we stop now? Modern conditions require that changes should be effected by legislation and not by custom. If to-morrow something else is required, the leaders of the day, through the Legislature, will effect that change. I agree that this is a matter which must be considered in an atmosphere of calmness and understanding. If we agree that there are certain evils, why should we not remove them? I remember while speaking on the amendment Bill of my hon. friend Shri B. Das regarding the Child Marriage Restraint Act, I gave figures from the 1931 census and said that there were 1,300 widows below the age of one year. Is not that an evil? And girl widows below the age of ten there were millions. And if you prevent them from re-marriage, just consider what will be the effect of it on society? And only good has come out of the legislation that was passed. Today the position is that the average marriage age has gone up considerably. The problem now is not of marrying earlier, but of marrying at all.

11 A.M.

There was threat of opposition to this measure in 1930 and so great was the threat that all the communities were combined against the measure. I remember the description given at that time: that before the Act was brought into operation thousands of children were taken from Calcutta to Chandernagore and married there, because it was not part of British India, that thousands of children were taken in the midstream of the Indus and married, because there was no extra-territoriality so far as this Act was concerned at that time. This element of extra-territoriality was incorporated at the suggestion of Mr. B. Das. The point is that there are undoubtedly evils about which there is no dispute and it is not anybody's desire to nurse or keep those evils going on. As to whether the remedy should be stringent or less stringent is a matter on which the Members of the opposition can certainly have a discussion with my hon. friend Dr. Ambedkar and a *via media* found out. What I suggest is let this House take some steps towards progress and let us go down in history that in spite of real or created opposition this House had the courage to take at least one step towards the reform of Hindu society. That would be the greatest tribute to you individually and collectively and I do hope the whole House will rise to the occasion. That does not mean that you should accept whatever is suggested nor that you should reject everything. Let us not have a closed mind: let us have an open mind. Let us agree that there is evil in society and let us agree that some remedy must be found. This is all that I have to say and I do hope that in that spirit the House will respond to the Hindu Code introduced by my hon. friend Dr. Ambedkar.

Mr. Deputy-Speaker: Before I call Pandit Kunzru to speak I might say that I have been hearing speeches as if on the first reading and not on clause 2 which is before the House. Clause 2 consists of four sub-clauses and the amendments refer to them. Not many Members have addressed themselves to the clause proper. Evidently they want the House either to accept the option or reject the measure. In fact I thought at one stage of accepting closure today.....

Several Hon. Members: No, no.

Pandit Maitra: It is a most important clause, the very life-blood of the whole Bill.

Dr. Ambedkar: I am prepared to accept closure even on the tenth day.

Pandit Maitra: Do it on the 15th day. You make its application optional and we will pass it straightaway.

Mr. Deputy-Speaker: On this clause at an earlier stage about 17 or 18 members have already spoken.

Shri Naziruddin Ahmad (West Bengal): All that has been forgotten entirely.

Mr. Deputy-Speaker: That is why I have allowed references to all clauses. The discussion has been on the details of the Bill as a whole and not absolutely confined to clause 2. We must see to the end of the discussion some time. I therefore request hon. Members to confine themselves to those matters which arise out of clause 2 and the amendments to the clause. I do not want to curtail discussion but this kind of discussion will be endless. It so happens that whenever I call upon Pandit Kunzru to speak I have to make some suggestions to the House but they are not intended for him particularly.

Shri R. K. Chaudhuri: The hon. Minister who spoke just now has to be answered and should we not follow him?

Pandit Maitra: We have now been told that this Bill will be proceeded with in regard to its first two parts. You will realise easily that clauses 2 and 4 are the two fundamental clauses in the whole Code. After passing these two you can go ahead at the speed of the Frontier or Punjab Mail. The main point is the question of the applicability of the law to the communities mentioned. You should not be carried away by the mere fact that 16 or 17 Members have spoken. You are going to legislate for 30 crores of people and therefore a momentous measure like this has to be given serious consideration. If the Bill has been taken spasmodically now and then it is no fault of ours. They introduce it and at one stage when they meet with opposition they put it by. Then they gather strength and come back again. That is no fault of ours. If they had taken it up in a special session the House could have devoted its whole time and we would have been in a better position to know what we said on one day and what are our contentions now. It is not the old Bill before us: It is a new thing that has come before us.

Sardar B. S. Man (Punjab): Since you, Sir, mentioned the closure motion and there is the threat thereof may I request you that those Members who have moved amendments as regards certain communities should be given their chance so that they may explain their view point. I hope closure will not be accepted by you till we have had the chance to speak, that is those of us who have moved amendments.

Mr. Deputy-Speaker: My difficulty was that I looked up for those gentlemen who had tabled amendments. Others who had already spoken with respect to their amendments I did not call. I picked out four of the hon. Members who had tabled amendments and had not spoken so far. I was looking round for them to stand. The whole of yesterday none of them got up from their seats. Therefore they cannot say that no closure can be accepted until they are called to speak, if they are not inclined to stand up. Today the hon. Sardar B. S. Man sent me a chit saying that he was anxious to speak, because yesterday he did not catch my eyes.....

Sardar B. S. Man: Even yesterday I stood up.

Mr. Deputy-Speaker: The general principles of the Bill have been already discussed fully in the consideration stage. With respect to this clause, whether it ought to apply immediately or it should be optional are matters with regard to which amendments have been moved. But going into the entire frame-work of the Bill and whether it ought to be accepted or not on the analogy of some other pieces of legislation, are not, I think, quite relevant.

Shri J. R. Kapoor (Uttar Pradesh): So far as I am concerned I did not stand yesterday to catch your eye in deference to your direction or view that you would like to give an opportunity to those who have moved amendments after those who had not spoken on the previous occasion. That was my reason.....

Mr. Deputy-Speaker: Even if he stands I do not propose to call him.

Shri J. R. Kapoor: Not even in respect of the new amendments I have moved?

Mr. Deputy-Speaker: I have tabulated all the amendments now and they have been circulated. No new amendment has been given by the hon. Member: they are only repetitions in another form of the amendments he had already moved. After I finish with the others I will consider those who have already spoken. But as a rule I would not like to allow any hon. Member to speak, who had spoken already. Somehow Dr. Deshmukh was called yesterday when I was not in the Chair. If I had been here I would not have called him.

Shri J. R. Kapoor: My amendments fall into two categories: one old and the other entirely new.

Mr. Deputy-Speaker: I shall come to that later, after others have been given an opportunity.

श्री भट्ट : माननीय उपध्यक्ष जी, माफ कीजिये, मैं अगर्चे आप के सामने

बैठा हूं लेकिन आप की दृष्टि मेरी तरफ़ नहीं जा रही है। मैं कल से खड़ा हो रहा हूं। आप ने फ़र्माया कि जिन्होंने संशोधन पेश किये हैं उन में से कोई खड़ा नहीं हुआ है शायद इस में आप को थोड़ा सा स्मृति दोष हो रहा है।

[**Shri Bhatt:** Sir, excuse me. I am sitting opposite to you but am not catching your eye. I have been geting up since yesterday. You said that those who have given notice of amendments did not stand up. Maybe, there is some forgetfulness on your part.]

Mr. Deputy-Speaker: Order, order, the hon. Member need not cast aspersions, that I had not seen him or I did not notice him. Hon. Members have no patience to sit and await their chance. When they come they expect to be immediately called and if they are not, they go away to the lobby. You cannot expect me to bear all this in mind. When I make up my mind which hon. Member to call next and if he is not in his seat I am entitled to ignore him. I cannot call them by the order in my mind one after the other. That is not the practice even in the House of Commons. I did not find the hon. Member standing up when I was in the Chair. I have a note here. I made a note of those Members who have not already spoken but have tabled their amendments. But they have no patience to sit here and the moment they are not called they go away to the lobby.

Pandit Maitra: There is absolutely no dissatisfaction at what you, Sir, have done. I want to assure you that we have the feeling that we are all getting an honest and fair deal—absolutely impartial deal—from you. We have no feeling against the Chair.

Pandit Krishna Chandra Sharma (Uttar Pradesh): May I suggest that the words used by Shri Bhatt may be withdrawn?

Pandit Maitra: He never meant any objection.

श्री भट्ट : मैं आप की इजाजत से खुलासा करना चाहता हूं। मैं ने तो सिर्फ़ इतना ही आप का ध्यान दिलाया था कि मैं तो खड़ा होता रहा हूं पर शायद आप का ध्यान नहीं गया।

[**Shri Bhatt:** With your permission, Sir, I want to clarify the position. All I wanted to bring to your notice was that I have been standing, but perhaps you did not notice it.]

Mr. Deputy-Speaker: I shall come to hon. Members who have not spoken and who have tabled amendments next.

Pandit Kunzru (Uttar Pradesh): If I may say so, I agree with you, Sir, that we expected that the debate on the clause. But important questions of concerned with the merits of the clause. But important questions of principle were raised yesterday and I see that the minds of hon. Members are coloured by what was said in the course of yesterday's debate. It is therefore unfortunately necessary to say something on these points so that the prejudice created against those parts of the Bill that we are going to discuss may be removed.

My hon. friend, Shri N. V. Gadgil has dealt admirably with some of the points that were raised yesterday, and I venture to say something more on this subject because I feel that what was said, yesterday ignores not merely the spirit of Hindu Law but the changes that are already taking place in Hindu society. In considering the Bill before us it is not enough that we should confine our attention to the provisions of the Bill. It is necessary that we should understand the character of the society for which we are legislating: its most important character is change; it is in a state of transition. To mention only one important factor that is vitally affecting our society, a great deal of awakening has taken place among our sisters during the last twentyfive years. They have happily become conscious of their just rights and they are making organised efforts in support of their just demands. It is partly to the credit of these educated and enlightened women that this Bill has been placed before us. But we have to add to this the fact that education is fast growing amongst women.....

Shri R. K. Chaudhuri: You mean Western education?

Pandit Kunzru: The education that you have received and in spite of which you claim to be a good Hindu. Our sisters are receiving the same education and there is no reason to suppose that they will become denationalized or adopt an attitude of disrespect towards their religion or culture. Our women are receiving education in ever-increasing numbers. They will enjoy the franchise on a footing of equality, complete equality, with men. Is it conceivable that in a society that is being

[Pandit Kunzru]

moulded by such forces inequalities between men and women will be tolerated for any length of time? Those who use the name of religion in order to defend social inequalities and social injustice are doing the worst service they can to Hindu religion. There is nothing, I venture to say, in those provisions of the Bill that we are going to discuss in this session that is in any way in conflict with the best principles of Hindu Law or with the spirit that has always underlaid it.

What are the main features of the Bill so far as we are going to discuss it now? They are monogamy and divorce. As regards monogamy, my hon. friend, Dr. Syama Prasad Mookerjee said realistically yesterday that in view of what had taken place in the past it was too late today to contend that this Parliament was not competent to undertake legislation in respect of social reform. He also said that he would be prepared to support monogamy if the Muslims were brought within the purview of the Bill. I remember distinctly that when the general principles underlying the Bill were discussed, some speakers expressed the fear that Hindu society was being compelled to imitate the Muslim society in respect of inheritance. We know that among Muslims daughters have a share in the father's property. Yet, we were not in favour of assimilation between Hindus and Muslims in this respect. What right have we now to ask that no legislation should be undertaken in respect of Hindu marriage unless it applies as much to the Muslims as it will do to the Hindus? People who are not prepared to allow women to have a share in the property of their fathers have no right to ask that the law relating to marriage that is applied to the Hindus should in all respects be applicable to the Muslims also.

The arguments that have been put forward now were carefully considered by the Hindu Law Committee. I should like to remind the House of what this Committee said with regard to the objections that had been urged. After considering them one by one, it came to the conclusion that they were either far-fetched or had no relation to existing facts and then said:

> "We have accordingly decided to retain the provision for monogamy in the draft Code. It will prevent the husband from deserting the wife at will and contracting a second marriage. There is a substantial body of evidence before us that cases of desertion and re-marriage are increasing and this problem is best solved by enacting monogamy as a rule of law."

I think that the observation of the Committee has great force and those who oppose monogamy on any ground must deal with the concrete reasons put forward by the Committee in favour of proposing monogamy. The Committee drew attention to the fact that monogamy had been enforced by law in the State of Bombay. Legislation was undertaken there four or five years ago to prevent polygamy amongst Hindus. We can now say that there is a similar law in the State of Madras. Indeed the State of Baroda where there was a Hindu ruler and whether the large majority of the people were Hindus passed a law many years ago in favour of monogamy and divorce.

Shri D. D. Pant (Uttar Pradesh): The Ruler violated it.

Pandit Kunzru: If the Hindus in all these places have violated Hindu Law, then where can you find real Hindus—only in this House?

It was yesterday that the demand was put forward that the Bill should be made permissive, that is, the enforcement of the provisions should be left to the States. Now, here are two important States in which the principle of monogamy is already in force. There are other parts of the country also, for instance, the district of Malabar and the State of Travancore-Cochin, where legislation has been passed to prevent polygamy amongst Hindus. In view of this and in view of the fact that it was freely admitted in the debate yesterday that in a large majority of cases, in an overwhelming majority of cases, the marriages were monogamous, on what ground can anybody now ask that the provision relating to monogamy should be made permissive? This is the only provision of the Bill that is not permissive but compulsory, and it is compulsory for a very good reason. It will be compulsory, but that principle appears to have been accepted by Hindu society at large. In those places where it prevails Hindu law has not been subverted. There are as good Hindus there as there are amongst the Hindu Members of this House. I think therefore that my hon. friend Dr. Ambedkar is on strong ground when he asks that we should lay down as a rule of law that monogamy should prevail amongst the Hindus in this country.

The next point that I should like to deal with is divorce. Here too it is asked that the provisions should be made permissive. But they are already permissive Unhappy couples will not

be under a compulsion when this law is passed to rush to a court of law and ask for immediate divorce. It will depend upon them whether they will take advantage of the provisions of the law. What more can be done in order to remove fears and in order to enable only those people who find the existing conditions intolerable to seek either separation or complete divorce? The Hindu Law Committee, dealing with this point, said:

> "From the evidence adduced before us we should think that there are thousands of women in British India who have been deserted by their husbands."

Then it goes on to say:

> "Many hard cases were also brought to our notice by other witnesses in which re-marriage was both desired and possible but could not be effected by reason of the existing law. The number of these cases may not be relatively large and reckoned in terms of percentage the problem may not appear to be a formidable one. But as we have already stated there are thousands of such cases in India and, if even a small proportion of these women desire a divorce with a view to getting themselves remarried the question is whether the law should say unto them 'nay'. Evidence was brought before us that in many cases re-marriage is quietly celebrated and that society tolerates and recognises such remarriage."

Here, again, the facts are incontestably against the view that there is no need for having a provision for divorce in our marriage law. No one is compelled to take advantage of it. There is no reason why for the sake of the patient sufferers, those who seek relief should be denied. I have already referred to some of the States where monogamy is legally in force. I may add that the law allows divorce in all the States mentioned by me in respect of monogamy. Now what has happened to Hindu society there? Has the sanctity of marriage become less than it was before? Do not the Hindus there regard the tie of marriage as a sacramental tie? Have they no respect for Hindu religion or Hindu culture?

Pandit Maitra: The sample is here.

Pandit Kunzru: I should very much like to see a discourse between my hon. friend Pandit Maitra and the people of the States mentioned by me on this point. He will not find it easy to convince them that they are inferior to him in their regard for Hindu culture and Hindu society.

Pandit Maitra: Then leave it to individual areas to legislate: why force it here?

Pandit Kunzru: I have already pointed out that there are so many areas in which this law is in force. In the second place I have taken pains to point out that the provision will be permissive. What do you mean by asking that it should be permissive?

Pandit Maitra: Make it optional for all

Pandit Kunzru: It will be optional for unhappy partners to seek relief under this law or not. Nobody is going to compel them either to separate or to seek divorce. What more do you want?

The law in Baroda has probably been in force for a much longer time than in the States of Bombay and Madras. But it appears from the evidence given before the Hindu Law Committee that both in 1940-41 and 1941-42 the number of suits by persons belonging to castes in which custom does not allow divorce was three only. My hon. friend Dr. Syama Prasad Mookerjee said yesterday that if 90 per cent. of the people could already get divorce, where was the need for bringing the remaining ten per cent. who were following a higher law and who regard marriage as indissoluble. Well, I am sorry that he is not in his place. But I should like to point this out to him.

Besides, we all know what is happening in Hindu society. If a husband drinks and beats his wife, or deserts her, is this a sacramental act? Is this in accordance with the sacred character of Hindu marriage? An hon. member behind me asks: "Why not check it?".

Pandit Maitra: There are also wives who beat their husbands.

Pandit Kunzru: I do not say that the wives are impeccable. Wives have their own faults, but the law will apply not merely to wives but also to husbands. In view of this it is idle to claim that the upper strata of Hindu society, that is men belonging to the *Brahmin*, *Kshatriya* and *Vaishya* castes have a higher ideal than the members of the other castes.

Again, it has been said that this Bill has caused a great deal of perturbation in Hindu society. I find that this is due to the fact that people are misinformed with regard to the provisions of the Bill. When the provisions are explained to them a good many of their misapprehensions disappear, and I have

[Pandit Kunzru]

no doubt that if those who assiduously voice the fears of the people in this House will take a little trouble to explain what its provisions really are...

Pandit Maitra: Let the Government do it.

Pandit Kunzru: .....much of the dissatisfaction that exists will disappear.

Government is doing what it can to spread a correct knowledge of the provisions of the Bill, but is it not the duty of those people who believe in truth and in the spirituality that underlies Hindu law to take a hand in this good work? Why should they not seek to remove the prejudice that has been wrongly created against the Bill.

Pandit Maitra: Leave it to them to decide.

Pandit Kunzru: My hon. friend disregards facts completely. I confess that I am powerless to convince him...

Pandit Maitra: It is my misfortune also.

Pandit Kunzru: .....if he continues to shut his eyes to facts...

Pandit Maitra: I am looking straight at them.

Pandit Kunzru: .....and says that nobody in India has before the introduction of this Bill ever heard of the words monogamy and divorce.

Shri R. K. Chaudhuri: Monogamy means monotony.

Pandit Kunzru: I think that those who are supporting the principle that underlies the provisions that we are considering, who are trying to bring about complete equality between men and women, who are trying to renovate Hindu society, who are asking it to go back to the great principles that once made it great and the envy of the world, are rendering the greatest service they can to Hindu religion and culture. I hope that they will persevere in the path they have chosen themselves and make Hindu religion as respected throughout the world now as it was some centuries ago.

श्री भट्ट : माननीय उपाध्यक्ष महोदय, मुझे यह कहा जाता है कि मैं अंग्रेजी में बोलूं, लेकिन यह मेरी कमनसीबी है कि मैं अंग्रेजी में बोल नहीं सकता हूं और जो भावना और जो भाव मैं हिन्दुस्तानी में दर्शा सकता हूं, वह बात मैं अंग्रेजी में ठीक ढंग से नहीं बतला सकता हूं, इस लिये मैं माफ़ी चाहता हूं।

Shri R. K. Chaudhuri: Sir, we do not understand high-flown Hindi and we cannot follow if the hon. Member speaks swiftly. We can understand if he speaks slowly.

श्री भट्ट : मैं यहां पर केवल मंत्री जी को जवाब देने के लिए ही नहीं खड़ा हुआ हूं, लेकिन मैं अपनी बात कहने के लिए यहां खड़ा हुआ हूं। हम एक बड़ा काम करने जा रहे हैं और भागीरथ प्रयत्न करने जा रहे हैं, क्योंकि हम भारत की संतान हैं, भागीरथ की संतान हैं, राम कृष्ण के वशज हैं और मनु और याज्ञवल्क्य की संतान हैं और यह एकीकरण का काम, हिन्दू शास्त्र को एक जगह लाना और हिन्दू शास्त्र को ऐसा बनाना जो हमारे व्यवहार में काम में आ जाय और जो यह एकीकरण कोडिफिकेशन (codification) करना चाहते हैं, यह काम बहुत बड़ा भागीरथ काम है। इंग्लैंड में जैसा कि गौड़ साहब ने फ़रमाया है :

"Various attempts have been made to codify the laws of England, but the attempts have so far failed."

इंग्लैंड जो कि बहुत आगे जाने वाला एक मुल्क है यहां एकीकरण न हो सका। हमारे देश में जिस प्रकार की पेचीदगियां हैं, जिस प्रकार की उलझनें हैं और जगह जगह अलग अलग रीति रिवाज़ हैं वहां हम एक प्रकार से एक बड़ा भागीरथ काम करने जा रहे हैं और हमारे माननीय मंत्री जी काका साहब गाडगिल ने कहा अगर हम वैसा काम नहीं करेंगे तो गंगा यमुना कहां से बहायेंगे। मुबारक है उन को और उन के पुरुषार्थ को और हम भी उन के पुरुषार्थ

की मदद करना चाहते हैं, उस में रोड़ा अटकाना नहीं चाहते हैं और हम यह कहना चाहते हैं कि जो काम जिस समय जिस तरीक़े से होना चाहिये, उस तरीक़े से उस ढंग से हो। हम यह नहीं कहते हैं कि माननीय पंडित कुंजरू हिन्दू शास्त्र की जो अहमियत है, उस में जो पवित्रता है, वह ले लेना चाहते हैं, लेकिन हम यह भी नहीं करवाना चाहते हैं कि सिर्फ़ हम मैटीरियलस्टिक (materialistic) बन जायें—अर्थवाद की तरफ़ हम चले जायें और हम सिर्फ़ सहूलियत और सुविधा की देखें। हमारा काम बनता जाने के बाद फिर वह निकम्मी चीज़ हो जाती है, इस दृष्टि से हम अपना क़ानून नहीं बनाना चाहते हैं। हमारे हिन्दू शास्त्र में भी तबदीलियां की गई हैं। आज कोई डाक्टर अम्बेडकर साहब को मनु कहते हैं, गाडगिल साहब को याज्ञवल्क्य कहते हैं और गाडगिल साहब नजीरूद्दीन अहमद के और नाम दे सकते हैं।

श्री श्यामनंदन सहाय : इन को नारद कर दीजिये।

श्री भट्ट : इस जमाने में यह कहना कि हम आगे गये हैं या पीछे हटे हैं, यह कहना मुश्किल है। कोई मुझ से यह पूछे कि नाज, कपड़े और रहन सहन की ज़िन्दगी जो है उस के लिहाज़ से हम मुग़ल राज्य में जैसे थे, वैसे आज हैं। क्या डेढ़ सौ साल पहले जिस प्रकार का हम जीवन बिता रहे थे, उसी प्रकार का जीवन हमारा आज है? तीस साल पहले जिस प्रकार की सहूलियतें हमें थीं वह सहूलियतें क्या आज हैं? अथवा समाज प्रगति कर रहा है या पीछे हट रहा है, तो इस मियार से, स्टैन्डर्ड (standard) से देखना कि हम आगे बढ़े हैं, ठीक न होगा। क्या हम यह कहेंगे कि क़ानून हम ने ज़्यादा बना लिये हैं, इसलिये हम प्रगति कर रहें हैं? या हम जब देखेंगे कि हमारे आदमी तेजस्वी बन रहे हैं, सच्चे आर्य बन गये हैं और सच्चे इंसान बन गये हैं, तब हम कहेंगे कि हम प्रगति कर रहे हैं, यह सवाल बहुत मुश्किल है और इस का जवाब मैं नहीं दे सकता हूं और उस को देने के लिए अभी मेरे पास समय भी नहीं है। वह एक निराला विषय है और इस समय मैं अलग अलग विषयों में नहीं जाना चाहता हूं। मैं सिर्फ़ जो तरमीम मैं ने रखी है और जो दूसरे संशोधन हैं और यह जो धारा २ है, उस के मुताल्लिक़ ही बोलने की कोशिश करूंगा और उसी सीमा में मैं रहने की कोशिश करूंगा। हमारी स्मृतियां और शास्त्र जो हैं वह समयानुकूल बदलते रहे हैं और इसलिये मैं माननीय मंत्री जी के साथ सहमत हूं कि हमारे धर्म शास्त्र हैं, उन की परिभाषा हमारे मैत्रा साहब कुछ करें, गाडगिल साहब कुछ करें और अम्बेडकर साहब अपना एक अलग भाष्य रखें और मेरी कल्पना, हालांकि मैं कोई भाष्यकार नहीं, अलग हो, मैं यह ज़रूर कहना चाहता हूं कि हमारा धर्म हमारी स्मृति और हमारे शास्त्र हमेशा सनातन रहे हैं, इस के माने उन में परिवर्तन होता रहा है, उन में समय के साथ नवीनता आती रहती है और वह देश और काल के साथ चलने वाली चीज़ है। वह कभी भी पीछे नहीं रहते हैं। मैं किसी दूसरे धर्म शास्त्र की किसी दूसरे सम्प्रदाय की निन्दा न करते हुए कहना चाहता हूं कि हिन्दू शास्त्र और हिन्दू प्रणाली जो रही है वह अभी तक

[श्री भट्ट]

अमर रही है और अभी तक जिन्दा रही है और उस का कारण यह है कि वह समय के साथ चलने वाला धर्म रहा है। इसको मैं इस अर्थ में सनातन मानता हूं।

पंडित मालवीय : जब यह कोड पास हो जायगा, तो नहीं रहेगा।

श्री भट्ट : हम डराना नहीं चाहते। जब यह हिन्दू कोड बिल कमेटी ने इस का मस्विदा बना कर भेजा और मुझे याद है कि सन् १९४७ के अप्रैल में यहां पर इसे पेश किया तब उन्होंने यह लिखा था कि : "There is a growing public opinion in favour of codification and a uniform Code." यह वाक्य स्टटमेंट आफ़ आब्जैक्ट्स् एन्ड रीज़न्स (statement of objects and reasons) में कहा गया था। इसके अलावा हमारे माननीय काका साहब कहते हैं कि :

"It is difficult to say which side is stronger."

Mr. Deputy-Speaker: In the Official Report it will be difficult to understand who "Kaka Saheb" is.

श्री भट्ट : मैं आप की बात मानता हूं और काका साहब यानी माननीय मंत्री गाडगिल साहब ने यह अभी फ़रमाया है। कल कुछ दूसरे लोगों ने ऐसा फ़रमाया था और कि जो लोग अंग्रेजी पढ़े लिखे हैं या जो अंग्रेजी पढ़े लिखे नहीं भी हैं लेकिन प्रगतिशील विचार रखते हैं वह इस चीज़ को मानते हैं। अगर यह हालत होती तो फिर यह इतना विरोधी प्रदर्शन इस बिल के खिलाफ़ क्यों होता रहता है, दोनों तरफ़ का प्रदर्शन होता है, हमारी पार्लियामेंट भवन के आस पास दोनों तरफ़ का प्रदर्शन होता है, जिस में प्रो कोड (Pro-Code) वाले भी होते हैं और ऐन्टी कोड (Anti-Code) वाले भी होते हैं और मैं मानता हूं कि इन दोनों में विद्वान हैं दोनों में समझदार आदमी हैं और दोनों में औरतें और पुरुष हैं।

Dr. Ambedkar: They are all lunatics. They are out because our lunatic asylums are too small.

श्री भट्ट : हमारे डाक्टर साहब यह कहते हैं कि जो विरोध कर रहे हैं, वह लोग पागल हैं। मैं बड़े अदब के साथ यह कहना चाहता हूं कि मैं उन के इस वाक्य का विरोध करना चाहता हूं और अगर आप उन को पागल कहते हैं तो वे आप को शतगुण पागल कहेंगे। मैं दावे के साथ कहना चाहता हूं कि अगर कोई आदमी अपने विरोधी को पागल कहे, तो मैं कहता हूं कि वह उस ज़माने में रह रहा है जिस ज़माने को हम नहीं चाहते हैं। बृटिश सल्तनत का ज़माना उस हुकूमत का ज़माना है जो दूसरे के विचारों को कभी सुना नहीं करती थी, बरदाश्त नहीं करती थी। मैं नहीं मानता हूं कि इतने बड़े विद्वान, जिन्हें मनु की कोटि में बैठाया जा रहा है वह डाक्टर साहब अपने विरोधी को कहते हैं कि पागल हैं और पागलखाने में जगह न होने के कारण वह इधर छोड़े गये हैं और यहां आ कर इकट्ठा हो गये हैं। मैं मानता हूं . . . .

Shri R. K. Chaudhuri: May I say that we are losing all the humour because the hon. Member is speaking in Hindi. Those who know Hindi understand but we are not following him at all.

Pandit Malaviya: It is not humour but grim humour.

Pandit Thakur Das Bhargava: My hon. friend does not understand; otherwise he would be somewhere else according to Dr. Ambedkar.

Shri R. K. Chaudhuri: I understood Dr. Ambedkar to say that those who

were opposed to this Bill are mad. Is that in order?

Mr. Deputy-Speaker: He has not said so.

श्री भट्ट : मैं यह अर्ज कर रहा था कि डाक्टर साहब का कुछ भी मन्तव्य हो, मेरा कुछ मन्तव्य हो, कुछ राय हो, लेकिन मैं यह कहना चाहता हूं कि सन् १९४७ के बाद यह बिल विशिष्ट समिति को भेजा गया, विशिष्ट समिति ने सन् १९४८ में अगस्त में अपनी रिपोर्ट पेश की और उस के बाद फिर इस की चर्चा होने लगी। आप जानते हैं कि हमारी सरकार किसी को बड़ी चोट पहुंचाना नहीं चाहती है, आघात नहीं देना चाहती है, और ऐसा कोई काम नहीं करना चाहती है जिस से लोगों में एक दम खलबली मच जाय। इस लिये हमारी सरकार ने पंडितों से भी बात की और डाक्टर अम्बेडकर साहब ने कुछ थोड़े से पंडितों को बुलाया, उनको कुछ मौका भी दिया, वह मौका कैसा ही दिया, इतना मौका तो नहीं दिया कि उन के दिल को सन्तोष हो, लेकिन कुछ मौका दिया, उन की बात मानी या नहीं मानी यह मालूम नहीं, लेकिन इस के बाद उन्होंने एक नई चीज हमारे सामने रखी और उस में संशोधन किया। अब उन संशोधनों के बाद वह फिर संशोधन ला रहे हैं, रोज रोज नये नये संशोधन आ रहे हैं और यह सारी कार्रवाई अच्छा करने वाली बात है, इस में कोई बेजा बात नहीं है। अगर इसमें दूसरों को ऐकोमोडेट (accommodate) करने के लिये कोई नई चीज लाते हैं और अपने कानून में तबदीली करते हैं तो वह अच्छी बात है। और वह चाहते हैं कि जहां तक हो सके विरोधियों को भी समझा कर, विरोधियों के दुःख को भी ध्यान में रख कर उनके दोषों को दूर कर के वह ऐसा कानून बनाना चाहते हैं जो सब को मंजूर हो। ऐसी जो हमारी सरकार है उस सरकार ने यह बिल हमारे सामने रखा है और उस की दूसरी धारा पर हम विचार कर रहे हैं। मैं यह कहना चाहता हूं कि इस बिल में कई चीजें अलग अलग हैं, लेकिन अभी सिर्फ़ शादी और तलाक यह दो ही विभाग, दो ही प्रकरण, लिये जाने वाले हैं। अगर मैं ठीक समझ पाया हूं। अगर एक ही चीज आप लेने जा रहे हैं, और माननीय गाडगिल साहब ने कहा कि हमें यह करना ही चाहिये क्योंकि इसमें हमारा पुरुषार्थ लोग देखना चाहते हैं। मैं कहता हूं कि अगर व्यवहार हमारे मंत्री समझते हैं तो वह रुक जायगे। मैं ने पहले भाषण में भी कहा था कि मेरी राय में आज सरकार को चाहिये कि वह ठहर जाय और अगली पार्लियामेंट जो चार पांच महीने के बाद आने वाली है उस में जो लोग आयेंगे वह इस चीज को भी अपनी जनता, अपने मतदाताओं के सामने रख कर आयेंगे और यह चीज उन के सामने जरूर रहेगी क्योंकि यह चीज मैं कहता हूं कि कूट प्रश्न हो गया है। इस को जनता के सामने रहने दिया जाय और फिर जो आयेंगे वह जनता का आदेश ले कर आयेंगे, या समझा कर आयेंगे अपने मतदाताओं को कि हम यह करने जा रहे हैं। कायदे आजम जिना साहब ने चाइल्ड मैरेज रिस्ट्रेन्ट बिल (Child Marriage Restraint Bill) पर बोलते हुए कहा था सन् १९२९ में, और बड़े अभिमान के साथ कहा था कि हमारे लिये यह जरूरी है कि बच्चों की इस प्रकार की शादी न होनी चाहिये यानी चौदह साल के पहले और अगर मेरे मतदाता वह चीज नहीं मानते हैं तो वह

[श्री भट्ट]

ऐसेम्बली (Assembly) में से इस्तीफ़ा दे देंगे और चले जायेंगे और उनको चाहिये कि वह कोई दूसरा आदमी चुन कर भेजें। यह विचार होना चाहिये। तो या तो हम एक रास्ता अख्त्यार करें कि हम क्या चाहते हैं, अब अगर हम आखिरी मंजिल पर पहुंच गये तो जो विरोध करते हैं या समर्थन उन दोनों को नाराज़ क्यों करें ऐसा न समझें। अब जो अच्छे से अच्छा बिल रखना चाहते हैं उस का मस्विदा हमारे सामने रख दिया जाय कि इतना आगे हमको जाना है। यह एक ही चीज़ क्यों रखते हैं। हमें तो हर धारा को देखना है। डाक्टर साहब तो आज इतने आतुर हो गये हैं कि जैसे भी हो बच्चा पैदा करना चाहते हैं चाहे वह अंधा हो, लूला हो, उस के पेट हों या न हों, उस के हाथ हों या न हों लेकिन किसी भी तरह से वह कोई बच्चा पैदा करना चाहते हैं जिस से उन को पिंड दान मिले।

एक माननीय सदस्य : उन्हे मुक्ति मिले ?

श्री भट्ट : माफ़ कीजिये। उन की हजार साल की अवस्था हो, मैं तो रूपक में बोल रहा हूं। मैं कहता हूं कि डाक्टर साहब अगर कोई चीज़ सच्ची मानते हैं, अगर हमारे पंडित जवाहरलाल जी एक चीज़ इतनी मानते हैं कि नहीं इसी तरह से कानून बनना चाहिये और यह लोग जिनको कहा जाता है कि वह पागल हैं, वह बहुत आगे चले गये तो उन को हम दबा देंगे, समझा देंगे। जिस रीति से चाहिये समझाइये, दबाइये, हम आप के हैं, और शायद आपके प्रभाव में हम दब भी जायें लेकिन ऐसी चीज़ बनाइये जो लूली लंगड़ी न हो, अशुद्ध न हो, निकृष्ट न हो, लेकिन उत्कृष्ट हो। आप यह क्या कहते हैं कि हम आप को एकोमोडेट करने के लिये यह भी करते हैं, वह भी करते हैं, अगर आप ठीक नहीं मानते तो मत कीजिये। आगामी चुनाव के बाद अगर हम आये तो हम करेंगे और ज्यादा हिम्मत के साथ कहेंगे कि देखिये साहब, हम अपने मतदाताओं का आदेश ले कर आये हैं इस बारे में हम और किसी का भी आदेश माननेवाले नहीं हैं। इस के लिये जो हमारी जनता कहती है हम उसी की मानेंगे। तो मैं ज्यादा नहीं कहना चाहता हूं, मैं चुप रहने वाला आदमी हूं। मैं एक दो रोज़ पहले एक कारखाने में गया। वहां के लोग कहने लगे कि यह हिन्दू कोड बिल का क्या रोना है। मैं ने कहा कि क्यों भाई, तुम क्यों डरते हो, तुम घबराते क्यों हो। तो उन्होंने कहा कि यह हमारे धर्म का नाश हो रहा है, समाज बरबाद हो जायगा और बड़ी अवनति हो जायगी। तो मैं ने उन कारखानेवालों को बुलाया और उन से बातें शुरू कीं। मैं ने उन से कहा कि इस में कौन सी ऐसी बातें हैं जो आप समझते हैं कि बेजा बातें हैं। तब उन में से कई आदमी जो समझदार थे, समझ सकते थे, जिन्हों ने कानून पढ़ा था, यह न समझिए कि जो विरोध में हैं वह सिर्फ़ बिना पढ़े हुए कुछ बात कह रहे हैं, उन्हों ने तो मुझे यह कहा कि आप के इस कानून में डाईवोर्स (Divorce) की बात रखी गई है यह क्या बात है। आज हमारे यहां रिवाज है उस के मुताबिक हम बहुत आसानी से तलाक़ कर लेते हैं, लेकिन अगर आप इस तरह का कानून बना कर हम को अदालत में घसीटना

चाहते हैं कि हम अपनी स्त्री के बारे में जा कर कहें कि यह व्यभिचारिणी है, और स्त्री कहेगी कि यह आदमी बदचलन है, तो यह सब बातें क्यों करते हैं। इस से अच्छा तो यह है कि हमारी बिरादरी की पंचायत में बैठ कर जो हमारे अन्दर समझनेवाले आदमी हैं वह समझ लेंगे कि इस औरत या आदमी का ऐसा चलन है और वह उन्हें अलग कर देंगे। यह खासी गौर करने की बात उन्होंने कही। मैं ने कहा ठीक है, क्या डाक्टर साहब यह कहेंगे कि नहीं नहीं, चूंकि कई जगह तलाक़ देने का रिवाज है और नियम बहुत सरल हैं इस लिये वह इतने सहल नहीं होने चाहियें क्योंकि इस में हिन्दू धर्म ख़तरे में आ जाता है। मैं कहूंगा कि हिन्दू धर्म इस रीति से ख़तरे में आता है। और दूसरे कहते हैं कि यह क़ानून पास होने से धर्म ख़तरे में पड़ जाता है तो हम किस की बात मानें? तो इस में अक्ल दौड़ानी पड़ती है। चाहे कोई भी हो, लेकिन सब को विवेक बुद्धि ख़र्चनी पड़ती है। तो मैं ने पूछा कि और क्या बात है। तो फिर उन्होंने लड़की के हिस्से के बारे में कहा। सारी बात मैं नहीं कह रहा हूं, लेकिन मैं आप से यह अर्ज कर रहा हूं कि आप ऐसा न समझिये कि जो लोग विरोध कर रहे हैं वह पागल हैं या जो विरोध कर रहे हैं वह समझदारी से नहीं कर रहे हैं। आदर्श महिला संघ की कुछ महिलायें मेरे पास आईं। उन्होंने कहा कि क्या कर रहे हो। वह बहनें भी समझदार थीं। ऐसी वैसी नहीं थीं। लेकिन ज़रूर हमारी माननीया सदस्या रेनुका रे, दुर्गा बाई या दूसरी बहनें जो हैं वह ज्यादा समझदार होंगी और ज्यादा पढ़ी लिखी होंगी इस में सन्देह नहीं है। लेकिन जो बहनें बाहर हैं वह ऐसी हैं

12 NOON

कि जो कुछ नहीं समझती हैं और किसी ने तो कहा था कि वह लकड़ी हैं और उन में कोई जान नहीं है, तो इन चीज़ों को आप ऐसा न समझिये और दूसरों को ऐसा न कहिये। तो उन्होंने मुझ से बहस करना शुरू कर दिया और कहा कि ऐसा न कीजिये कि छत ही गिर जाय। आप ने दरवाजा खोल दिया है सिविल मेरिज ऐक्ट (Civil Marriage Act) के ज़रिये। जो सिविल मैरिज करते हैं वह तलाक़ भी कर सकते हैं। यह दरवाज़ा ठीक है। उस से ज्यादा आगे क्यों बढ़ते हो। जो रिवाज हैं उन को रहने दीजिये। हम यह नहीं कहते कि फलां आदमी को ऐसा नहीं करना चाहिये। धीरे धीरे आदमी समझने लग जायेंगे।

कुंजरू साहब ने फ़रमाया कि मानोगामी (Monogamy) की बात है। एक पत्नीत्व की बात है। वह कैसे हो? अजी लोगों को पैसे नहीं मिलते हैं। और एक माया को संभालना तो मुश्किल हो रहा है, दो माया को घर में कहां ला कर बैठायेगा। मुसलमानों में चार माया रखने की इजाजत है लेकिन क्या चार सब जगह हैं? बहुत कम जगह दो होंगी और शायद ही कहीं चार हों। इस के कोई आंकड़े तो मुझे मिले नहीं। इस के सेंसस फ़िगर्स (census figures) तो मुझे मिले नहीं। अभी हमारा आंकड़ा शास्त्र विभाग बहुत कमजोर है। तो मुसलमानों में यह चार बीबियां रखने का रिवाज कैसे पड़ा? हज़रत मुहम्मद साहब ने जब ओद की लड़ाई लड़ी और उस समय बहुत से आदमी मारे गये और समाज में औरतें ही औरतें रह गईं तब उन की हिफ़ाज़त करने के लिए यह हुक्म दिया गया था कि आप लोग जो चार तक संभाल सकते हैं वह चार औरतें रख लें। यह हुक्म उस समय दिया गया था। ऐसा जरमनी और फ्रांस में भी अलग अलग समय पर होता रहा है।

[श्री भट्ट]

अपने यहां तो ऐसी कोई बात नहीं है । अपने यहां तो क़रीब क़रीब समता है । थोड़े से पुरुष ज्यादा होंगे । औरतें थोड़ी सी कम हैं । कुछ हजार कम हैं ।

[PANDIT THAKUR DAS BHARGAVA *in the Chair.*]

लेकिन अगर कमनसीबी से ऐसा हो जाय कि दो करोड़ औरतें ज्यादा बढ़ जायें तो समय के अनुसार कुछ और क़ानून निकालना पड़ेगा । इस में कोई सन्देह नहीं है । मैं गहराई में इसलिये जा रहा हूं कि हमारे क़ानून देश और काल के अनुसार बने हुए हैं और बन रहे हैं और अब भी हमारे डाक्टर अम्बेडकर साहब वैसा कानून बनाना चाहते हैं । लेकिन वह अच्छा कानून बनायें और ऐसा कानून बनायें जो कि आरोग्यप्रद हो । तो हमारे यहां विवाह सिर्फ सहूलियत के लिए नहीं है । वे ऐसा मानते होंगे कि Marriage is merely a contract, pure and simple यह शब्द बड़े बड़े वकीलों नें इस्तेमाल किये हैं । लेकिन हमारा समाज सिर्फ अर्थवाद पर ही अवलम्बित नहीं है । उस का आधार हमारे पुराने शास्त्र हैं । कृषि शास्त्र, पशु शास्त्र और समाज शास्त्र इन तीन चीजों को ध्यान में रख कर हम ने अपनी चीज को बनाया है । मैं कहता हूं कि जैनिसिस (genesis) की दृष्टि से घोड़ा और गधा एक ही प्रकार के जीव हैं जैसे हम सब मनुष्य हैं । लेकिन अलग अलग देश के अलग अलग तरह के मनुष्य हैं । उन के खाने अलग अलग होते हैं । जो जैसी हवा मे पलता है और जैसा खाना खाकर पलता है और जिस आचार व्यवहार में पलता है वह उसी आचार व्यवहार और हवा को पसन्द करता है । और प्राणियों को भी देखिये । आप हिसार के प्राणियों को दूसरी जगह ले जाइये और देखिये कि उन की क्या हालत होती है । वह प्राणी वहां ठीक नहीं रहते । अजी आप पेड़ों को ही लीजिये । एक ऐसे पेड़ को जो कि काश्मीर की आबोहवा में पनप सकता है आप राजस्थान में ले जाइये । क्या वह वहां पनप सकता है ? राजस्थान में बहुत कोशिश की गई कि वहां आम लाया जाय, लेकिन होता ही नहीं है । क्यों ? उस में भी कुछ शास्त्र है । कुछ भूमि की बात है, कुछ बीज की बात है, कुछ पानी की बात है, कुछ हवा की बात है । इन चीजों के संयोग से ही कोई चीज पैदा होती है । ऐसा नहीं कि लकड़ी को चाहे जहां लगा दिया और कोई चीज हो जाय । यह लग्न और विवाह शादी की बात ऐसी नहीं है कि किसी के साथ उस को बिठा दिया । पेड़ों तक में यह देखना होता है कि कौन से पेड़ में कौनसी क़लम हो सकती है वगैरह वगैरह । खैर तो मैं उस में नहीं जाना चाहता हूं । मैं तो यह कहना चाहता हूं कि हमारा समाज पोलीटीकल (political), ऐजूकेशनल (Educational), हाइजीनिक (Hygienic), यूजेनिक (Eugenic), और सेक्सालाजीकल (Sexological) चीजों पर आधारित है । इस के लिए अगर आप कुछ प्रमाण चाहते हैं तो मैं प्रमाण में से थोड़ा सा हिस्सा पढ़ कर सुनाता हूं । वह हमारे डाक्टर भगवान दास का भाषण है । उन्होंने जब अपना हिन्दू मैरिज वैलिडिटी बिल (Hindu Marriage Validity Bill) रखा था तो उन्होंने एक बहुत लम्बे भाषण में हिन्दू शास्त्र की बहुत सी बातें बताई थीं । उस में से एक हिस्सा मैं आप लोगों को पढ़ कर सुनाना चाहता हूं और वह हिस्सा यह है :

"The hygienic and eugenic and sexological principle is that every possible care and caution should be exercised and all possible cleanliness and purity secured in res-

pect of food and marriage and that persons with similarity of tastes and habits and purity of temperament should dine together and marry together so that the individual and racial health and happiness may be promoted."

मैं खाने पीने में कुछ ज्यादा असलियत नहीं देखता हूं। महात्मा गांधी जी से पहले भी मैं इस चीज को नहीं मानता था। लेकिन अगर आप कहेंगे कि एक मछली खाने वाला बैठा है उस के साथ खाइये तो मैं यही कहूंगा कि मुझे माफ कीजिये। मैं यह नहीं मानता कि वह अस्पृश्य है लेकिन मेरी एक आदत पड़ गई है। कोई कहे कि फलां से शादी कर लो ....

डा० अम्बेडकर : इतनी मछलियां कहां हैं कि सबको बांटी जायें ?

श्री भट्ट : मैं सेन्सस (census) देख रहा था और मैं अपने मित्र सिधवा जी से और दूसरे मित्रों से माफी चाहूंगा यह कहने के लिये कि उसमें मैंने देखा कि कुछ ६० साल के आदमियों ने शादी की है। मैं तो शादी नहीं करना चाहता।

तो मैं यह अर्ज कर रहा था कि रहन सहन की चीज और लग्न की चीज कोई जबरदस्ती की चीज नहीं है। यह तो अपने अपने स्वभाव के अनुकूल होनी चाहिये। और अगर आज ऐसा नहीं होता है तो कल हो जायेगा यह मुझे विश्वास है। आज हमारा विश्वास है कि हमारे पंडित जी जो काम करेंगे वह देश को ध्यान में रख कर करेंगे इसीलिये हम उनको नेता मान कर बैठे हैं। बिना विश्वास के तो नेता नहीं माना जा सकता। इसी तरह हमें अपने माता पिता पर विश्वास है कि वह हमारे लिये जो करेंगे वह ठीक ही करेंगे। और अगर हम को उन पर विश्वास नहीं है तो हम खुद ढूंढेंगे, लेकिन जब हम ऐसा करेंगे तो हम अपने स्वभाव, और आदत और सुविधा सबको देख कर पसन्द करेंगे। इसलिये हमारा जो विश्वास बना हुआ है वह इन चीजों पर आधारित है। और इसलिये हमको ऐसी चीज नहीं बनानी चाहिये कि जिससे समाज में दुःख हो जाय और असंतोष हो जाय। आखिर क़ानून बनाने का अर्थ तो यह है कि समाज को सुख पहुंचे और समाज समृद्ध हो जाय। लेकिन अगर समाज यह कहे कि आपके कानून से हमारी बरबादी हो रही है तो आप उनको समझायें। अगर उनको ऐसा ही जोश है तो मैं कहता हूं कि डाक्टर अम्बेडकर साहब एक लाख आदमियों के बीच में इस हिन्दू कोड बिल को समझायें, जो उसके फायदे हैं उनको समझायें और उस समय कोई पंडित भी आकर समझाये। मैं कहना चाहता हूं कि डाक्टर अम्बेडकर और विरोधी पंडित दोनों जनता के सामने खड़े होकर इस बिल की जो बात है वह समझायें। और वे लाख आदमी फिर सीक्रेट बैलट (Secret Ballot) से अपनी राय प्रकट करें तब तो आपको संतोष होगा।

श्री नजीरुद्दीन अहमद : खत्म हो जावेंगे।

श्री श्यामनंदन सहाय : इसी हाउस में सीक्रेट बैलट करिये तो यहीं खत्म हो जावेंगे।

श्री भट्ट : आपको डर यह है कि यह चीज आप सामने नहीं रख सकते हो। वह चीज रखने वाला एक ही आदमी था और वह महात्मा जी थे। किसी तरह से उन्होंने माना कि अस्पृश्यता हमारे देश से जानी चाहिये। जब पूंजीपतियों ने कहा कि हम आपका बहिष्कार करेंगे और जब तिलक स्वराज्य फंड के वक्त बम्बई की

[श्री भट्ट]

मूलजी जेठा मारकेट में महात्मा जी गये कि हमको एक करोड़ रुपया इस फंड के लिये चाहिये तो उन पूंजीपतियों ने कहा कि हम एक करोड़ क्या आपको पांच करोड़ रुपया देने को तैयार हैं परन्तु महात्मा जी आप एक बात को छोड़ दीजिये, और वह बात अस्पृश्यता की बात है। इसको आप अपने कार्यक्रम में से निकाल दीजिये। तो इस पर महात्मा जी ने कहा कि मुझे आपकी एक पाई भी नहीं चाहिये। आपके पांच करोड़ क्या मुझे तो आपके पांच पैसे भी नहीं चाहियें। मेरे जो सिद्धान्त हैं उनको मैं रखूंगा और उनको ही आगे ले जा कर चलूंगा और उन्हीं के ऊपर स्वराज्य हासिल करूंगा। हमारी सरकार का यह फर्ज है कि वह हमको समझावे। हम लोग तो नाचीज हैं, हम लोग तो इतने शास्त्र वगैरह नहीं समझते हैं। कुछ पढ़ लेते हैं कुछ लिख लेते हैं, यह ठीक है परन्तु आपको जितनी बुद्धि है उसके बल पर आप हमारे पंडितों के पास जाइये, आप उन शंकराचार्य जी के पास जाइये जो इसका विरोध कर रहे हैं, और आप उन बहनों के पास जाकर समझाइये जो इसका विरोध कर रही हैं और जिनका संसार आप सुखी करना चाहते हैं। आखिरकार क्या इससे हमारी बहनों का ही संसार सुखी हो रहा है, यह मैं नहीं मानता हूं। मैं यह नहीं मानता कि,

It is a Magna Charta for women only.

यह तो सारे संसार और समाज के लिए आप कर रहे हैं और इसके लिये मैं आपको धन्यवाद देना चाहता हूं। लेकिन डाक्टर साहब, इस चीज को भी ध्यान में रखें कि अब इतने साल चले गये, सन् १९४२ क्या, सन् १९३७ में डाक्टर देशमुख ने एक बिल रखा था। तब से यह चीज चल रही है। यह बात आज की नहीं है। सन् १८५६ में विडो रीमैरिज (widow remarriage) वगैरह के सुधार ईश्वरचन्द्र विद्यासागर और राजा राममोहन राय ने किये। धीरे धीरे यह चीजें होती रही हैं और हमारे स्मृतिकार और भाष्यकारों ने भी अलग अलग चीजें कही हैं और कहते रहे हैं। तो मैं इस चीज को तो नहीं कहता हूं कि आप कोई क़ानून नहीं बनाइये। लेकिन आप आज क्यों बनाने जा रहे हो? आज आप इतने अधीर क्यों हो रहे हो? मेहरबानी करके थोड़े समय के लिये और ठहर जाइये। चुनाव आप के होने वाले हैं और मई में नयी पार्लियामेंट आ जायेगी और तब अच्छे से अच्छा बिल आप लाइये और क़ानून बनाइये। हम में से कुछ लोग शायद आवें और मैं अगर आया तो उस समय विचार हो सकेगा। लेकिन आज उसके पहले जनता के सामने इस बिल को रखिये, इस बिल का आखिरी स्वरूप आप रखिये, यह नहीं कि आप एक अपंगा रूप सामने रखें और फिर कहें कि अरे गोकुल भाई यह मनवा लो। यह चीज मैं नहीं चाहता हूं। मैं तो चाहता हूं कि जो खुराक आप दें वह होलसम (wholesome) दें, मुझे गन्दी चीज आप न दें कि यह खा लीजिये, यह तो कंट्रोल (control) के चावल हैं, यह ऐसे ही मिलेंगे। मैं ऐसी चीज नहीं चाहता हूं। मैं अच्छी चीज खाऊंगा। यह बात ठीक है कि भूखा मरता क्या करता क्या न करता। लेकिन जब मुझे दूसरी चीज मिलती है तो उसे खाऊंगा, मुझे पत्ते मिलते हैं तो वह खा कर रहूंगा लेकिन कीड़े वाली गली और सड़ी हुई चीज पेट में नहीं डालूंगा। इसलिये मैं आप से प्रार्थना करता हूं कि मेहरबानी कर के इस चीज को मुल्तवी

रखें। इस में आप हमें बहुत कुछ अकामोडेट कर रहे हो और इस के लिये मैं आप को धन्यबाद भी देना चाहता हूं। आप की इस सूझ बूझ के लिये आप को मुबारकबाद है क्योंकि आखिर आप ने समय को पहचानते हुए यह काम किया है। समय को आप को पहचानना चाहिये। अब एक क़दम आगे आप और बढ़िये और उदार हो जाइये। मैं अपनी बहनों से भी कहना चाहता हूं कि अगर यह चार महीने बाद पास होगा तो क्या ख़तरा है, और चार महीने पहले पास हुआ तो इस में आप को क्या मिल जाने वाला है, इस चार महीने में आप को क्या लाभ होने वाला है। इस के पास होने से न तो कोई आसमान गिरता है, न कोई नुक़सान होता है, और न कोई करोड़ों रुपये आ कर बंटने वाले हैं। इसीलिये मैं आप से यह प्रार्थना कर रहा हूं।

अब कारखाने वाले आदमियों की बात पर फिर आता हूं। वह तलाक़ के लिये चाहते हैं कि कस्टम (custom) होना चाहिये। तो कस्टम क्या चीज है? कस्टम का बहुत प्रभाव है इस चीज से तो डाक्टर साहब भी इन्कार नहीं करेंगे। लेकिन इस चीज में अगर मेरा कोई विरोध है तो वह विरोध यह है कि आप उस रूढ़ि को, उस कस्टम को क़तई निकाल देना चाहते हैं। यह चीज नहीं चलेगी, कम से कम कुछ साल के लिये तो यह चीज नहीं चलेगी। अगर आप पिछड़ी हुई जातियों को जो बेसमझ हैं, उन को अपने साथ साथ ले जाना चाहते हैं तो आपको अपने क़दम को जो बहुत तेज़ी का क़दम है, कम करना चाहिये। आप अपनी तेज़ी को कम करोगे तभी हम आप के पीछे पीछे चल सकेंगे। महात्माजी बहुत आगे चलने वाले थे। जिस दिन हमारे ऐम० ऐन० राय फ़ैजपुर कांग्रेस में आये और महात्माजी से साम्यवाद की चर्चा करने बैठे तो महात्माजी ने कहा कि (मैं तो पास में नहीं था, मैं ने सुना वह कहा हूं) मिस्टर राय आप अपने कड़े से कड़े शब्दों में आज के समाज के बारे में, आज के पूंजीपतियों के बारे में, जो कुछ कहना है वह कह दीजिये। तो उन्होंने बहुत देर तक बहुत ही कड़ाई से भाषण दिया। लेकिन महात्माजी ने फिर कहा, बस इतना ही आप को कहना था। बाद में महात्माजी ने उसका चन्द मिनटों में, चन्द शब्दों में, जवाब दिया और ऐम० ऐन० राय अपने कान में उंगली डाल कर खड़े रह गये, कि महात्माजी आप ऐसा मानते हो। तो महात्मा जी ने कहा कि मुझे आप क्या जानते हो। लेकिन मेरे जितने विचार हैं वे जैसे जैसे मेरा समाज आगे बढ़ता जायगा वैसे वैसे उन के सामने रखता जाऊंगा। मैं जानता हूं कि मेरा समाज बहुत पिछड़ा हुआ है, अभी उस में कई तरह के विचार इतने विकसित नहीं हुए हैं जितने होने चाहियें थे। लेकिन मुझे अपने विचार समाज को साथ में रख कर चलाने हैं। तो इसी तरह आप के कितने ही ऊंचे विचार हों, कितने ही अच्छे विचार हों, कितना ही सुख लाने वाले विचार हों, लेकिन अम्बेडकर साहब, जब हम आप के पीछे नहीं रहेंगे तो क्या आप के १५, २० या २५ मंत्रिमंडल के सदस्य जो हैं उन्हीं से क्या आप का काम चलने वाला है? अगर हम भी यह कह दें कि हम आप के साथ हैं, जैसे कि मैं यहां देखता हूं कि बहुमत वाले कह देते हैं क्योंकि पंडित जी कह रहे हैं इसलिये मानो, भाई डाक्टर अम्बेडकर कह रहे हैं इसलिये मान लो, अब क्या करें, मजबूर हैं, मैं ऐसा आदमी नहीं

[श्री भट्ट]

हूं। लेकिन अगर मैं ऐसा हो जाऊं तो मेरे पीछे कौन है? मैं आप के सामने फिर दोहरा दे रहा हूं कि अगर मैं आप को सच्ची बात न बताऊं और मैं यह न कहूं कि समाज इस चीज को इस तरह से नहीं चाहता है, अगर मैं आप से यह चीज न कहूं तो मैं आप को धोखा दे रहा हूं। मैं आप को धोखा देना नहीं चाहता। इसलिये जैसे आप के पीछे हम हैं इसी तरह हमारे पीछे हमारे मतदाता हैं और उन की सुविधा और उन के कल्याण को भी हमें देखना चाहिये क्योंकि आप उन के कल्याण के लिये ही यह सब कार्य कर रहे हो। आप को यह यालूम है कि यह कहा गया है: 'शास्त्राद् रुढ़ि बलियसी' (Custom overrides the *Shastras*) तो फिर यह क़ानून कौन सी चीज है। आप के क़ानून भी मनुष्य के बनाये हुए हैं और वह शास्त्र भी मनुष्य के बनाये हुए थे। अगर उन शास्त्रों पर हमारी रूढ़ि का इतना प्राबल्य था तो क्या बात है कि हमारे क़ानून पर हमारे समाज का प्राबल्य नहीं होना चाहिये। तो इस को आप सोचें।

इस में एक दूसरी और कमी है। डाक्टर साहब मुझे माफ़ करेंगे और कुंजरू साहब तो अब बैठे नहीं हैं। हम लोग ऐसे अंधे हैं, हम लोग ऐसे आदमी हो गये हैं कि जब पश्चिम वाले कुछ कहेंगे कि अरे भाई आप के मैरिज लाज़ (Marriage laws) और आप की मैरिज सैरेमोनीज़ (Marriage ceremonies) तो बहुत अच्छी चीजें हैं तब हम कहेंगे, हां, हां, जब मैक्स मुलर आ कर कहेगा कि आप के शास्त्र, आप के उपनिषद् आप के वेद आला हैं तो हम कहेंगे हां ठीक हैं, यह सच्ची बात है। और फिर उसी से हम उद्धरण करेंगे। लेकिन हमारे भाष्यकार, हमारे आचार्य उन अच्छे शब्दों में कह गये होंगे, पर उन की पोथियों को देखने कौन जाय और उन पोथियों को देखेगा कौन!

अभी मुझे बतलाया गया कि सारे दिल्ली शहर में याज्ञवल्क्य की स्मृति पैसा खर्च करके भी नहीं मिल पाई।

डा० अम्बेडकर: मेरे पास कितनी ही कापियां हैं।

श्री भट्ट: आपके पास कापियां हैं, तो दे दीजिये, लायब्रेरी में तो वह नहीं है। लायब्रेरी में संस्कार कौस्तुभ और याज्ञवल्क्य नहीं मिलीं। आप के पास तो सब है, आप ने खुद खरीदी हैं, आप तो बहुत विद्या पिपासु हैं, विद्यानुरागी हैं, बड़े पंडित हैं, लेकिन कृपा कर के इन को थोड़े दिनों के लिये यहां लायब्रेरी में जमा करा दें ताकि हम लोग भी उन का लाभ उठा सकें और जरूरी ज्ञान प्राप्त कर सकें। ईट्स (Yeats) ने गीतांजली का जो भाषान्तर किया, उस भाषान्तर से मैं कभी खुश नहीं हुआ, क्योंकि मेरा सदैव से ऐसा प्रयत्न रहा है और मैं ने अपने कौलिज जीवन में यह निश्चय किया कि जब तक मैं बंगाली न सीख लूंगा, तब तक मैं रवीन्द्रनाथ की गीतांजली नहीं पढ़ूंगा। मेरा हमेशा से यह ख्याल रहा है कि जब तक मूल भाषा जिस में वह लिखी गई हो, चाहे वह कोई भाषा हो, उस का ज्ञान न हो, पढ़ना व्यर्थ है। तामिल मैं अभी तक सीख नहीं पाया हूं, लेकिन उस को सीखने का मैं प्रयास करूंगा, ऐसी मेरी आदत है। अब रवीन्द्रनाथ

की गीतांजली जो बंगाली में मैं ने पढ़ी और ईट्स ने जो उस का भाषान्तर किया देखा तो उस में कुछ नहीं है। उस से तो हमारी देशी भाषाओं में जैसे मराठी में एक ने अभंग में उपनाम से गीतांजली का अनुवाद किया है वह बहुत सुन्दर किया है। लेकिन हम भारत-वासी तो आंख बन्द कर बैठे हैं और जब बाहर वाले हम को कुछ दिखाते हैं, तो कहते हैं कि हां यह खूब दिखाई दिया। मैं पूछना चाहता हूं कि विदेशों की रोशनी में आखिर कौन सी ऐसी फ्लड लाइट (floodlight) है कि उस से हमारी आंखें चकाचौंध हो जाती हैं और उन की तारीफ़ करने लगते हैं, हमारी अपने देश की रोशनी में आखिर क्या कमी है, इस देसी रोशनी में मिटटी के तेल की रोशनी में क्या कम रोशनी है? मैं कहना चाहता हूं कि इस चीज को समझ लें और ठीक ढंग से समझ कर फिर उस में जो परिवर्त्तन करना हो राजी खुशी से करें जिस से हर एक आदमी खुश हो जाय और जिस में सब का भला हो।

अब मैं इस विषय पर आता हूं कि यह हिन्दू क्या है और यह हिन्दू शब्द निकला कहां से? जिस हिन्दू कोड बिल को हम बना रहे हैं, वह हिन्दू शब्द निकला कहां से। सभापति जी, मुझे माफ कीजिये, मैं कुछ मिनट और लूंगा। मैं यह कह रहा था कि मैं उन इतिहास की बातों में नहीं जाना चाहता हूं, मैं ग्रीस (Greece) और ईरान देशों के इतिहास में नहीं जाना चाहता हूं कि हमारा ईरान और ग्रीस देश से क्या सम्बन्ध रहा था, उस में इस समय मैं नहीं जाना चाहता हूं, लेकिन थोड़ा यह बतलाने की कोशिश करूंगा कि आखिर यह हिन्दू शब्द कहां से आया और मेरा जो संशोधन है, उस का पूरा पूरा ताल्लुक इस चीज से है। हिन्दू शब्द पहले पहल गांधर्व के दो नगर थे, उस में एक नगर का नाम हिन्दस था जिस से हिन्दू शब्द निकला। दूसरी विचार धारा यह है कि इस मुल्क में जो बड़ी नदी सिन्धु नदी है, उस में 'स' और 'ह' भाषा शास्त्र की दृष्टि से एक हो जाते हैं और इसलिये किसी ने कहा कि यह हिन्दू शब्द सिन्धु नदी के नाम से निकला है। हिन्दुआनी यह शब्द भी एक जगह इस्तेमाल किया गया है। वह हिन्दुआनी शब्द कहां से आया, यह पता लगाना मुश्किल है। अपनी सेंट्रल सेक्रेटेरियेट (Central Secretariat) की लायब्रेरी जो मैं ने देखी, वह तो मैं ने बहुत गरीब लायब्रेरी पाई, ऐसी गरीब लायब्रेरी मैं ने नहीं देखी, वहां मैं ने इस के मुताल्लिक किताबों के बारे में पूछा तो बतलाया गया कि यहां तो इस के बारे में कुछ खास संग्रह नहीं है, इस के बारे में किसी अखबार के वार्षिक अंक में निकला हुआ लेख तो है, लेकिन उस के अलावा वहां और कोई दूसरी चीज नहीं है। इसके बरखिलाफ़ अगर मैं रायल ऐशियाटिक सोसाइटी (Royal Asiatic Society) में जाता तो इस की अपेक्षा मुझे बहुत बढ़िया मसाला वहां पर मिल सकता था, मगर वहां जाने का मौक़ा ही नहीं मिला, कभी तो प्रेस बिल (Press Bill) और कभी यह हिन्दू कोड बिल आने की वजह से सारे समय हम यहीं पर रहना पड़ता है। तो खैर मैं इस समय इस चीज में नहीं जाता हूं कि यह हिन्दू शब्द कहां से निकला और इस का मूल स्तोत्र क्या है। लेकिन एक चीज जो ध्यान में रखनी चाहिये वह यह है कि हिन्दू शब्द के मानी, यह जो हिन्द भूमि है,

[श्री भट्ट]

उस के माने सारे भारतवर्ष के हैं और उस देश में रहने वाले जितने लोग हैं, वह सब हिन्दू हैं चाहे उन को आप आर्य नाम से कहिये या दस्यु नाम से कहिये। हिन्दुस्तान के जो रहने वाले थे, उन में दो वर्ग थे, एक आर्य लोगों का और दूसरे दस्यु लोगों का, तो वे दोनों हिन्दू हैं। तो मैं यह चाहता हूं इस बिल को इस ऐक्ट (Act) को जो हम आज बना रहे हैं उसमें हिन्दू के माने क्या समझें? जिसका खुलासा कुंजरू साहब ने किया, और जैसा कि रिपोर्ट में है इसके मुताल्लिक कितने लोगों से मिलना हुआ, कितने लोगों की राय उस में शामिल की गई? लेकिन वह चीज मैं नहीं लेना चाहता हूं।

जब शरियत क़ानून सन् १९३७ की बात है शायद इस भवन में लाया गया, माफ़ कीजिये मैरिज वैलिडिटी ऐक्ट के भाषण में डाक्टर भगवान दास ने एक जगह कहा कि हम हिन्दू किस को मानते हैं, हिन्दू महज़ क़ौम नहीं है, तो उन के सूफ़ी मित्र ने यह बतलाया कि मुसलमान कौन हैं, उस को मैं ज़रा पढ़ कर सुनाऊंगा। While introducing the Bill in the course of his speech he said:

"Islam has scores of sects but the belief in Mohammad seems necessary for all, though I am told that some sects do not consider the second part of the *Kalema* of faith as essential and indispensable and regard Mohammed as one of the many prophets sent by God to help humanity on earth."

उस का जवाब देते हुए और उस चीज़ को ग़लत बतलाते हुए सर यामीन खां (आगरा डिवीज़न) ने कहा :

"There is no Muslim who believes in this. It is essential for a Muslim to believe in both the parts of the *Kalema*, namely *'La ilaha illallah'* and *'Muhammad Resulullah."*

भगवान दास डाक्टर साहब ने यह कहा :

"I have heard from a Sufi friend."

इस का जवाब देते हुए यामीन खां ने कहा :

"Those who do not believe in the second part cannot be called Muslims."

मैं इस तरह से कहना चाहता हूं और अपने संशोधन में मैं ने सुझाया है कि ऐसे लोग जिन्होंने हिन्दू धर्म छोड़ दिया है, लेकिन हिन्दू रीति रिवाज वगैरह सब क़ायम रखे हों और वह चाहें कि यह हिन्दू कोड उन पर लागू हो, यह उन पर ऐप्लीकेबुल (Applicable) हो, तो उन के लिये ऐसी गुंजायश क्यों नहीं रखी जाती। हिन्दू जब इस क़ानून का लाभ उठाना चाहते हैं तो ऐसे दूसरे लोग जो इस का लाभ उठाना चाहें, उन को क्यों नहीं लाभ उठाने देते हो, आखिर आपको इस में क्या एतराज़ है? इसी तरह ईसाई हैं जिन्होंने अपना धर्म तो बदल दिया है, और वह क्रिश्चियन लिखे जाते हैं, लेकिन रीति रिवाज सारे हिन्दुओं के वह अपनाये हुए हैं, तो उन को आप इस ऐक्ट से अलग क्यों रखते हो और उन्हें भी हिन्दुओं की तरह इसका लाभ क्यों उठाने नहीं देते हो? इसलिये मैं डाक्टर साहब से यह अर्ज़ करना चाहता हूं कि आप इन चीजों को ध्यान में रखें और मैं इस में से पढ़ कर क्या सुनाऊं उन को कि नान हिंदूज़ (non-Hindus) कौन कौन हैं जो इस से लाभ उठा सकते हैं। मैं बड़ी लम्बी चौड़ी बात नहीं करता हूं। लेकिन उन का ध्यान दिलाना चाहता हूं। डाक्टर गौड़ को ले लीजिये, मि० गुप्ता को ले लीजिये जो हिन्दू ला (Hindu Law) पर बड़े बड़े लिखने वाले हैं, उन्होंने कहा है कि नान हिंदूज़ जो हैं उनमें से किन किन के ऊपर यह लागू होगा। कच्छी मेमन के बारे में.....

श्री श्यामनंदन सहाय : जानते तो आप भी हैं, वह भी जानते हैं, हम लोग तो नहीं जानते हैं, हमें सुनाइये ।

डा० अम्बेडकर : संक्षिप्त न सुनाइये, पढ़ कर सुनाइये ।

श्री भट्ट : कच्छी मैमन ऐक्ट जो बना है.....

डा० अम्बेडकर : वक़्त की कोई कीमत नहीं है, पढ़ कर सुनाइये ।

श्री भट्ट : मैं पढ़ कर सुना रहा हूं। उस में यह लिखा है । कच्छी मैमन्स ऐक्ट (Kutchi Memans Act) में यह लिखा है :

"Whereas it is expedient to enable those Kutchi Memans who so desire to be governed in matters of succession and inheritance by the Mohammedan law, it is hereby enacted".

क्या है आपरेटिव सेक्शन (Operative Section) ?

"Any Kutchi Meman who has attained the age of majority and is resident in British India may by declaration in the prescribed form and filed before the prescribed authority, declare that he desires to obtain the benefit of the Act, and thereafter the declarant and all his minor children and the descendants shall, in all matters of succession and inheritance, be governed by Mohammedan law."

Shri Syamnandan Sahaya: It is an optional clause. So there is a precedent.

श्री भट्ट : तो जिस रीति से वहां यह गुंजाइश रखी गई है मैं चाहता हूं कि डाक्टर साहब भी इसी तरह से कोई चीज़ इस में रखें क्योंकि इस तरह से आप इस को सीमित करते हैं । मि० हेनरी क्रेक जो उस समय होम मेम्बर (Home Member) थे उन्होंने इस का उल्लेख किया था और बताया कि :

"I think it deserves very careful consideration, whether it is not wise in those matters to give the individual the option and not to compel him to accept a rule or law of which he may be imperfectly informed."

Shri B. Das: I think Sir Henry Craik was a bachelor—he did not understand society.

श्री भट्ट : मैंने यह डिबेट्स (Debates) १९३७ के वाल्यूम (Volume) ३, सफ़ा ५५४४ में से लिया है । तो जनाब वाला मैं अर्ज कर रहा था कि हमें भी यह गुंजाइश रखनी चाहिये । आप बड़ौदा का कानून देख लीजिये जिस की तारीफ हम सब करते हैं और बड़ौदा तो आज क्या बल्कि कई साल पहले से हम से बहुत आगे है, आप ज़रा उन से पूछ लीजिये कि बड़ोदा वाले अब कहां हैं। अब उन का कौन सा कानून किस रूप से लागू होता है और क्या सहूलियतें हैं, क्या दिक्कतें हैं ? वह शायद आज कहेंगे कि भाई वह ज़माना बिल्कुल अच्छा ही था । लेकिन मैं इसलिये नहीं कह रहा हूं, सामाजिक कानूनों में मैं समझता हूं कि सारे हिन्दुस्तान में मैसूर से बहुत पहले है अगर मैं गल्ती नहीं करता हूं, मैसूर वाले मुझे माफ करें लेकिन मैसूर से पहले सर सयाजी राव गायकवाड़ ने अपने राज्य में जो समाज सुधार शिक्षा और स्वास्थ्य सम्बन्धी दाखिल किये थे वैसे सुधार दूसरों ने नहीं किये ।

डा० अम्बेडकर : बड़ी गल्ती की ।

श्री भट्ट : जो हम लोग राजस्थान के रहने वाले हैं उन को आप बहुत आगे ले जाना चाहते हैं । हम देखते हैं कि हम तो धीरे धीरे चलने वाले हैं । हमारा तो ऊंट है, आप का जो वायुयान है उस के साथ हमारा ऊंट नहीं चल सकता है । इसलिये ज़रा वायुयान को भी धीरे कर दीजिये ।

[श्री भट्ट]

तो इस बड़ौदा हिन्दू कोड (Baroda Hindu Code) में भी लिखा हुआ है कि :

"This Act shall apply to all persons domiciled in the Baroda State.

(a) who are Hindus by birth or by conversion to Hinduism or, to whom any part of this Act is made applicable by this Act, to the extent to which it is so applicable.

Explanation I.—The people to whom the Hindu law or any part thereof is applicable by custom and usage shall be deemed to be Hindus.....

श्री श्यामनंदन सहाय : यह कौन सा कोड है ?

श्री भट्ट : बड़ौदा हिन्दू कोड ।

श्री श्यामनंदन सहाय : मोनोगमी एक्ट (Monogamy Act) ।

श्री भट्ट : जी उसमें लिखा है :

"The people to whom the Hindu law or any part thereof is applicable by custom and usage shall be deemed to be Hindus for the purposes of this Act in so far as the matters in respect of which the Hindu law or any part thereof is so applicable, or concerned."

आप कहते रहे कि आप पर लागू होगा तो वह हिन्दू माना जायगा चाहे वह हिन्दू रिलिजन (religion) प्रोफेस (profess) करता हो या न करता हो। लेकिन हिंदुस्तान में रहता है इसलिये मैं कहता हूं कि सारे हिन्द के रहने वाले हिन्दू हैं। मैं संस्कृति की दृष्टि से नहीं कह रहा हूं। मैं अंगरेजी प्वाइन्ट आफ़ व्यू (point of view) से कह रहा हूं। आप हमें भारतीय क्यों कहते हैं, हिन्दुस्तानी क्यों कहते हैं ? इसलिये हिन्दू शब्द भी सीमा का सूचक है, धर्म का सूचक नहीं है। और चूंकि वह हिन्दू धर्म का सूचक न होते हुए सीमा का सूचक है इसलिए इस का तो यह अर्थ है कि जो भी इस देश में रहते हैं उन सब का समावेश इस में है। यह देख लीजिये :

"(b) who have not renounced following the Hindu law shall be deemed to be Hindus."

यह चीज है, इसलिये मैं कह रहा हूं अपने माननीय मंत्री से कि मेरी राय में आप इस प्रकार के संशोधन को मान लीजिये। अब मैं जो एक थोड़ा सा हिस्सा बाक़ी रह गया है उस पर आता हूं।

श्री जे० आर० कपूर : विशेष रूप से किस संशोधन का समर्थन कर रहे हैं ?

श्री भट्ट : जो मेरा संशोधन है अर्थात् दोज हू वान्ट टु बी गवर्न्ड (Those who want to be governed) इस में सारी चीज आ जाती है।

अब मैं एक और बात की तरफ ध्यान दिलाना चाहता हूं। जैसा कि हमारे माननीय गाडगिल साहब ने और कुंजरू साहब ने भी कहा है जब शारदा ऐक्ट (Sharda Act) अर्थात् बाल लग्न प्रतिबंधक कानून पहले आया था सन् १९२८ में तब वह हिन्दू चाइल्ड मैरेज बिल (Hindu Child Marriage Bill) था। लेकिन सन् १९२९ में जब सिलेक्ट कमेटी की रिपोर्ट आई तब उस का नाम बदल गया, उसका सारा हिस्सा बदला गया। उस में उस का नाम चाइल्ड मैरेज रिस्ट्रेन्ट बिल (Child Marriage Restraint Bill) रखा गया। आप जानते हैं कि उस सिलेक्ट कमेटी में मुसलमान भी थे और उन्होंने इस का विरोध किया। जब उस पर बहस चली सन् १९२९ में तभी उन्होंने विरोध

किया लेकिन तो भी एक चीज सारे देश में लागू होनी ही चाहिये क्योंकि वह सब के लिये अच्छी चीज है। इस चीज के लागू करने के खिलाफ मुसलमानों ने भी, सिवा मि० जिन्ना के, विरोध किया और कहा कि हमारे उलेमा इस का विरोध कर रहे हैं इसलिये हमारे ऊपर यह न लागू किया जाय। और अगर मैं भूलता नहीं हूं तो कोई मिस्टर चटर्जी थे जो क्रिश्चियन थे। उन्होंने भी कहा था कि यह हमारे धर्म के खिलाफ जाने वाली चीज है इस लिये हमारे ऊपर पाबन्दी न लगाई जाय। इस प्रकार के भाषण हुए। तो भी क्योंकि यह एक अच्छी चीज थी और वह अच्छी चीज सरकार सब पर लागू करना चाहती थी तो सरकार ने वह सब पर लागू किया तो मैं कहता हूं कि अगर यह एक पत्नी की बात अच्छी चीज है तो आप उस से किसी को छोड़ते क्यों हैं जब कि आप क़ानून से पाबन्दी लगाते हैं। हो सकता है कि कुछ मुसलमान दो पत्नियां रखते हों। हिन्दुओं में तो दो पत्नियां बहुत कम लोग रखते हैं। आम तौर से जो पिछड़ी हुई जाती वाले हैं वह दो पत्नियां रखते हैं, पर वह अपने काम काज के लिए रखते हैं। लेकिन हिन्दुओं में ऐसे लोगों की ही बहुतायत है जो कि न तो दो पत्नियां रखते हैं और न रख सकते हैं। एक का मिलना ही मुश्किल होता है, दो कहां से लायेगा। उस समय सिलेक्ट कमेटी की रिपोर्ट में यह कहा गया था :

"The object of the Bill, as introduced in the Legislature, was to impose restraint upon the solemnisation of child marriages and the method adopted was, broadly speaking, that of declaring all marriages of boys and girls below a certain age to be invalid."

मैं आपका ध्यान इस चीज की तरफ़ दिलाना चाहता हूं कि शारदा ऐक्ट की पहले मंशा थी 'To declare the marriage to be invalid' पर बाद में उसमें बदल किया गया और वह बदल क्यों दिया गया? वह इस लिये किया गया कि यह चीज समाज के लिए बहुत कड़ी हो जाती। इसकी तरफ़ आपको देखना चाहिये। मैं मोनोगेमी की बात जब कहूंगा तब इसका उल्लेख करूंगा। बदल करते वक्त यह कहा गया था :

"The Bill has been circulated under the orders of the Government and has elicited a strong expression of feeling that it is objectionable both on religious and on legal grounds to interfere with the validity of a marriage which has been performed.

In our opinion, these objections are at present insuperable and we have accordingly acted upon a suggestion which has been widely made that the Bill should effect its purpose of restraining child marriages not by declaring such marriages to be invalid but by imposing punishments upon those who participate in them."

आप देखिये कि किस बड़ा फ़र्क कर दिया है। जिन चीजों को पहले रद्द करने का विचार था वह रद्द नहीं की गईं, वह शादियां नाजायज नहीं की गईं लेकिन उनके लिए कुछ सज़ा रख दी। अब आगे देखिये :

"The Bill, as introduced applied to Hindus, Jains, Sikhs, Brahmos, Arya Samajists and Budhists and was a measure relating to the validity of marriage. As we propose to amend the Bill by making it a measure imposing criminal penalties on participants in a child marriage, it seems invidious that it should be restricted to those particular communities, since child marriages do occur, though not so frequently, in other communities. We propose, therefore, that the amended Bill should be general in its scope and apply to all classes and communities in British India."

[श्री भट्ट]

यह इतना बड़ा फ़र्क उन्होंने किया। समाज का रुख देख कर यह हुआ। डाक्टर साहब को भी समाज का रुख देख कर चलना होगा और वे चलेंगे ऐसी मेरी उनसे प्रार्थना है।

क्रिश्चियन मैरिज ऐक्ट (Christian Marriage Act) को देखिये कि उसमें इण्डियन क्रिश्चियन (Indian Christian) के लिए क्या कहा गया है, पारसी ऐक्ट (Parsi Act) देखिये उसमें क्या कहा गया है। और वहां भी पारसी किस को माना गया है। वह परिभाषा बहुत ही संकुचित की गई है। पारसी वह है जो जोरास्ट्रियन रिलीजन (Zoarostrian religion) प्रोफेस करते हैं। अपने यहां तो कई तरह के देवी देवता हैं, कोई कुछ मानता है कोई कुछ मानता है। इस लिये कहता हूं कि आप सबको ही हिन्दू मान लीजिये।

यह जो शारदा ऐक्ट है वह पार्ट बी० स्टेट्स में अभी तक लागू नहीं हुआ है। सन् १९५० के संशोधन के अनुसार भी जो जो अपने राज्य में लागू करना चाहें, कर सकते हैं, क्योंकि यह कानकरेंट लिस्ट (Concurrent list) में है। जो चाहेंगे वह लागू कर लेंगे। लेकिन अभी तक वह पार्ट बी० स्टेट्स में लागू नहीं है।

B. Das: I hope Dr. Ambedkar will take note of this.

डा० अम्बेडकर: वह सब रद्द हो जायगा।

श्री भट्ट: तो मैं डाक्टर साहब से डाइवोर्स (divorce) के बारे में अर्ज कर रहा था। मैं उनसे बड़े अदब के साथ कहना चाहता हूं कि जो कुछ रिवाज के मुआफिक चल रहा है उसको वे वैसा ही चलने दें। जो लोग चाहते हैं उनके लिए दरवाजा खुला हुआ है। वह है सिविल मैरिज (Civil Marriage)।

डा० अम्बेडकर: जिसका खुला है उस का भी बन्द कर दिया जाय।

श्री भट्ट: जिसका खुला है उसको बन्द न कीजिये। चाहे वह खिड़की से आते हों या दरवाजे से आते हों। लेकिन जिस बिरादरी में जो रिवाज है उसको चलने दीजिये। कम से कम हिन्दू समाज के उन लोगों में जो कि शिक्षा में बहुत पीछे हैं। हमारे डाक्टर साहब ने हिन्दू समाज में दौरा नहीं किया है। आप दौरा कीजिये। आप लोगों को समझाइये, आप उनको अपनी किताबें दीजिये और फिर जब लोग समझ जायं तब आप यह चीज लाइये। जो असली चीज है उसकी असलियत नहीं जा सकती। जो स्वर्ण है वह पत्थर नहीं हो सकता, वह तो कंचन होने वाला है। तो आप स्वर्ण को कंचन बनने दीजिये और समय दीजिये कि लोगों को मालूम हो जाय कि यह डाइवोर्स क्या चीज है। तो आप हमारे में झगड़ा मत डालिये। जो चाहते हैं उनके लिए सिविल मैरिज ऐक्ट है और उसके जरिये डाइवोर्स हो सकता है। आप कहते हैं कि बहुत से ऐसे लोग हैं जिन्होंने सिविल ऐक्ट में विवाह नहीं किया है वह डाइवोर्स कैसे कर सकते हैं। उसके लिए मैं आपको एक सुझाव देता हूं। आप उनको भी इजाजत दे दीजिये कि वह भी सिविल मैरिज ऐक्ट के अनुसार रजिस्टरी करवा लें और डाइवोर्स कर सकते हैं। इस तरह से उनके लिए दरवाजा बहुत बड़ा खुल जायगा।

श्री आर० सी० उपाध्याय : पति चाहे पर बीबी न माने तो ।

श्री भट्ट : बीबी तो पति को ही मानती है । वह चाहे पढ़ी लिखी हो, लेकिन घर में जाकर तो यही होता है कि 'पति देवो भव' । लेकिन इसके माने यह नहीं हैं कि हिन्दू स्त्रियों को गुलाम समझते हैं । वह गृहिणी हैं और वह देवी हैं । यह शब्द उनके लिए इस्तेमाल होते हैं । मैं यह नहीं कहता कि हिन्दू समाज कोई ऐसा नीचा समाज है जो अपनी स्त्रियों को गुलामड़ी समझता हो । अगर किसी के मन में यह बात हो तो उसको यह बात अपने मन से निकाल देनी चाहिये । मैं कहता हूं कि जितनी जातियां हैं जिनको हम पिछड़ी हुई जातियां कहते हैं उनके यहां भी घर का सारा कारोबार स्त्री के ही हाथ में रहता है और जैसे वह चलाती है वैसे ही पुरुष चलता है । हमारे राजस्थान में और दूसरी जगह भी जहां पंडितों का शास्त्र है वहां बहुत से रीति रिवाज भी हैं जो कि चलते हैं जिसे 'डोशी शास्त्र' कहते हैं । जो भी और जिस रीति से बुढ़िया कहती हैं सब उसी रीति से होता है । अगर पंडित कहीं विवाह कराने में ग़लती कर जाय तो हमारे यहां ऐसे गीत हैं कि फौरन मालूम हो जायगा कि कहां ग़लती है । अगर सप्तपदी आदि में कहीं ग़लती हो जाय तो गीत से मालूम हो जायगा कि कहां ग़लती हो रही है । तो स्त्रियों के गीतों से वह सारे रिवाज चलते हैं । तो यह नहीं समझना चाहिये कि हिन्दू समाज में स्त्रियों की इज्जत नहीं है ।

हो सकता है कि दारू पीने वाला आदमी अच्छा हो, वह बड़ा आदमी हो पढ़ा लिखा आदमी हो, लेकिन दारू पीने वाले तो वैसे ही होते हैं । वह दारू का असर चाहे कोई हो वह तो आदमी को पागल कर देता है । वह तो पिछड़ी हुई जातियों के हों या ऊपर की जातियों के हों, वह तो दारू पीने वाला पुरुष निकम्मा है, वह स्त्री भी निकम्मी है ।

श्री आर० सी० उपाध्याय : उन क्या करें ?

श्री भट्ट : वह दारू का नशा दूसरे दिन निकल जायगा, फिर सब ठीक हो जायगा । आप को यह मालूम नहीं है कि वह तो उन की आदत बन जाती है । हमारी कई आदतें हैं । और नशे के बारे में तो कई ऐसे आदमी भी पीने वाले हैं जिन को मैं ने देखा है कि उन के सामने व्हिस्की की दो-दो, तीन तीन बोतलें ला दीजिये लेकिन नशा उन को नहीं होगा । माननीय डाक्टर साहब को तो याद होगा ही कि बम्बई की बार कौन्सिल (Bar Council) वगैरह में कई आदमी तो ऐसे होते थे कि जब तक वह एक आध पैग (peg) चढ़ा कर नहीं आवें तब तक वह पूरी दलील नहीं कर सकते थे ।

Mr. Chairman: May I know on which provision of clause 2 the hon. Member is speaking?

Dr. Ambedkar: We are discussing Evacuee Property Bill.

श्री भट्ट : माफ़ कीजियेगा, थोड़ा सा विषयान्तर हो गया । लेकिन मेरे दूसरे मित्रों ने इस बारे में चर्चा की थी तो मैं यह अर्ज कर रहा था कि यह कोई नहीं कहता कि मोनोगैमी रखने से या न रखने से संसार को आप सुधार रहे हैं या बिगाड़ रहे हैं । इस पर क़ानूनी पाबन्दी लगाने की क्या ज़रूरत है ? अगर लगाते हैं तो अच्छा है लगाइये । लेकिन फिर इस को हिन्दुस्तान के सब लोगों पर लगाइये क्योंकि इस से मुसलमानों की भी रंज नहीं होगा । वह भी कहेंगे कि अच्छी बात

[श्री भट्ट]

है लगाइये। जैसे शारदा ऐक्ट लागू हो गया है। इसी तरह यह भी लागू हो जायगा फिर डाइवोर्स की बात का जहां तक सम्बन्ध है तो तलाक़ की बात तो उन में है ही। तो जो कुछ भी चीज़ आप बनाना चाहते हैं वह आप सब पर लागू करें किसी को मत छोड़िये जो हिन्दुस्तान के रहने वाले हैं उन पर सब पर यह रखिये।

इसलिये मैं कहता हूं कि आप इतनी हद तक तो हम लोगों का स्वागत करने के लिये, हम लोगों के विचारों को अकामोडेट (accommodate) करने के लिये, तैयार हो गये हैं। आप इतने ढीले तो पड़ गये। आपने ज़माने को देख लिया है। तो जो आप कुछ करना ही चाहते हो तो इतना कीजिये कि यह दोनों विभाग जो मैरिज और डाइवोर्स के हैं उन का एक क़ानून अलग बना दीजिये। And that should be applicable to all the Indians.

इतना आप कर देंगे तो सब खुश हो जायेंगे और आप को धन्यवाद देंगे और कहेंगे कि आपने बड़ा अच्छा पुरुषार्थ का कार्य किया। इस का जो विरोध है वह चला जायगा, वह गल जायगा और मिट जायगा और लोग कहेंगे कि आखिर हमारी सरकार ने सोच समझ कर कुछ ऐसा क़दम उठाया है कि जिस से हम को ज्यादा से ज्यादा तसल्ली हुई, पूरी न सही, लेकिन ज्यादा से ज्यादा तसल्ली है। तो आप सोच समझ कर यह रास्ता अख्तियार कीजिये। जब सब पर आप इसे लागू करने जावेंगे तो आप को मालूम होगा कि दूसरी क्या क्या चीजें इस में आती हैं और क्या क्या सुधार इस में आप को करने पड़ते हैं। (*Interruption*) इसलिये मैं यह कहता हूं कि ज़रा आप उन की तरफ़ भी देखिये आप को तब मालूम होगा कि कहां चुभता है। The wearer knows where the shoe pinches. तब आप को मालूम होगा और आप कहेंगे कि अरे यह तो बड़ा विरोध है। जब कई बहनें आ कर कहेंगी तब आप को पता चलेगा कई दूसरे लोग आवेंगे तब आप को पता चलेगा कि कितना विरोध है। लेकिन मैं कहता हूं कि आप किसी के विरोध की परवाह मत कीजियेगा। ज़रा ठहर जाइये और फिर जैसे शारदा ऐक्ट में सरकार ने किसी की परवाह नहीं की वैसे ही कुछ दिनों बाद ऐसा कानून पास कीजिये। जो सब पर लागू हो जाय। इसमें बहुत दिन की बात नहीं है, आप चाहें तो नया कानून बना कर जब हम फ़रवरी में मिलें तब हमारे सामने रखिये।

श्री श्यामनंदन सहाय: फागुन का महीना रहेगा, मेरे ख्याल में वक्त मौजूं होगा।

श्री भट्ट: हां, यह बात भी है, फागुन का महीना रहेगा। तो जो कुछ भी हो मैं बड़े अदब के साथ यह सुझाव आप के सामने रखता हूं। और वह मैं कोई हंसी उडाने या ठट्ठा करने के लिये नहीं कह रहा हूं। सारे हिन्दुस्तान को फायदा पहुंचाना है। इने गिने जो हिन्दू हैं उन्हीं को आप फायदा क्यों पहुंचाते हैं, आप सब को फायदा पहुंचाइये। आप अपना न्यौता सब को बांटिये और यह कानून मुकम्मिल बनाइये।

इतना कहते हुए मैं डाक्टर साहब से अर्ज करता हूं कि यह जो सुझाव मैं ने दिये हैं उन पर विचार करें। आखिर में मैं आप से प्रार्थना करूंगा कि आज यह समय नहीं है जब कि आप को इस चीज़ को ले कर चलना चाहिये। आप रुक जाइये और रुक जाने से देश का नुक़सान होने वाला नहीं है भारत सरकार का जय जयकार होने वाला

है। थोड़ा सा समय मैं ने कुछ ज्यादा लिया लेकिन बात बढ़ाना नहीं चाही है, और लम्बा कुछ भाषण नहीं करना चाहा है। डाक्टर साहब से, जो सरकार के यहां पर प्रतिनिधि हैं, प्रार्थना करूंगा कि हम लोगों की जो यह बहुत ही नरम बात है, खुली हुई बात है, और जो मैं ने कहा है उस पर ध्यान दें हमारी सरकार की जय हो।

(English translation of the above speech)

Shri Bhatt: Sir, I am being asked to speak in English, but as ill luck would have it, I cannot speak in English. I cannot express my ideas and feelings as suitably in that language as I can in Hindustani. I may be excused for that.

Shri R. K. Chaudhuri: Sir, we do not understand high-flown Hindi and we cannot follow if the hon. Member speaks swiftly. We can understand if he speaks slowly.

Shri Bhatt: I have not taken the floor simply in order to reply to what the hon. Minister has said, but I am here to express my own ideas. We are going to perform a big task and ours is a Herculean endeavour. We are descendants of Bharat and Bhagirath, Rama and Krishna, Manu and Yagnavalkya. The systematisation and codification of Hindu Law in such a way that we may be in a position to apply it to our lives, is a Herculean effort. As Shri Gour has said about England:

> "Various attempts have been made to codify the laws of England, but the attempts have so far failed."

England is a progressive country and yet its laws could not be codified. In our country where there are so many complications and anomalies and customs have a very heterogeneous character, the magnitude of our task is indeed great. As hon. Minister Kaka Sahib Gadgil said, if we do not perform this task, how would we be able to bring the divine Ganges and Yamuna to the plains as Bhagirath did? I congratulate him on his courage. We also want to help him and not impede his efforts. I want to say that things should be done at an appropriate time and by suitable methods. I do not say that hon. Pandit Kunzru wants to deprive the Hindu *Shastras* of their sanctity and importance but at the same time I do not like that we should drift towards materialism and see things only from the point of view of our convenience. We do not want to make this law only to prove its ineffectiveness in the long run. Our Hindu *Shastras* have also been amended. Today they call Dr. Ambedkar as Manu, Shri Gadgil is called Yagnavalka and Shri Gadgil can give any such name to Shri Naziruddin Ahmad also.

Shri Syamnandan Sahaya (Bihar): Call him Narad.

Shri Bhatt: It is difficult to say today whether we have made any progress or have gone back. I would say that from the point of view of food, clothing and living, we have the same standard which our ancestors had during the Mughal period. Is our standard of living the same as obtained 150 years back? Do we have the same facilities which we had thirty years back? Applying this standard, we cannot say that we have progressed. Can we say that we have made progress simply because we have passed more laws? Or shall we say we have progressed as we have become more healthy and courageous and have become true Aryans? This is a difficult question; I cannot answer it nor have I the time to do so. It is a new subject and I do not want to go into its different aspects. I shall try to confine my remarks only to my amendment, other amendments and clause 2. Our *Smritis* and *Shastras* have kept changing according to times. I agree with the hon. Minister in that we have our *Dharma Shastras*. Shri Maitra may interpret them in one way, Shri Gadgil in another; Dr. Ambedkar may expound them in his own way and my interpretation may be different from those of all these gentlemen, though I am not a scholar of *Shastras*; all I want to say is that our religion, our *Smritis* and our *Shastras* are eternal. Changes have taken place in them and new things have been incorporated in them as times changed. They change with time and place and never lag behind. Without showing disrespect to the scriptures of any other religion or community I want to say that the Hindu *Shastras* and tradition live to this day; that is why Hinduism has kept pace with time. It is in that sense that I consider them as eternal.

Pandit Malaviya: After the Code has been passed it will not remain so.

Shri Bhatt: We don't want to frighten them. I remember that the Hindu Code Bill Committee prepared a draft of the Bill and it was presented to the House in April, 1947. In the statement of Objects and Reasons was this sentence: "There is a growing public opinion in favour of codification and a

[Shri Bhatt]

uniform code." Besides this our hon. Kaka Saheb says, "It is difficult to say which side is stronger".

Mr. Deputy-Speaker: In the Official Report it will be difficult to understand who "Kaka Saheb" is.

Shri Bhatt: I admit the truth of what you say. As Kaka Saheb i.e., the hon. Minister Shri Gadgil said just now and others said yesterday, that the English knowing people and even those who do not know English but have progressive views, agree to this. But if this is true, why do so many demonstrations take place against this Bill? Both sides demonstrate. Around the Parliament House, those who are in favour of the Code Bill and those who are against it, both of them demonstrate. I know both sides have scholars and intelligent people among them and also men and women.

Dr. Ambedkar: They are all lunatics. They are out because our lunatic asylums are too small.

Shri Bhatt: Then hon. Dr. Ambedkar says that those who are opposing the Bill are lunatics. I beg to submit with respect that I want to stand against this statement. If you call them lunatics, they would call you a hundred times bigger lunatic. I want to emphasise that if a person calls his opponents lunatics, he is living in an age with which we are fed up. During British Rule, such Government was here as neither listened to, nor tolerated what others thought. I don't agree to Dr. Ambedkar's statement, who has been compared to Manu, that his opponents are lunatics and are out because our lunatic asylums are too small. I agree.....

Shri R. K. Chaudhuri: May I say that we are losing all the humour because the hon. Member is speaking in Hindi. Those who know Hindi understand but we are not following him at all.

Pandit Malaviya: It is not humour but grim humour.

Pandit Thakur Das Bhargava (Punjab): My hon. friend does not understand, otherwise he would be somewhere else according to Dr. Ambedkar.

Shri R. K. Chaudhuri: I understood Dr. Ambedkar to say that those who were opposed to this Bill are mad. Is that in order?

Mr. Deputy-Speaker: He has not said so.

Shri Bhatt: I was saying that Dr. Ambedkar may hold certain views and my views may be different. After 1947 this Bill was sent to a Select Committee, which presented its report in August 1948. After that this Bill again came up for discussion. As you are aware sir, our Government does not want to hurt anybody, nor does it want to do anything which might create a sensation among the people. So our Government consulted *pandits*. Dr. Ambedkar also listened to what certain *pandits* had to say. He gave them an opportunity to put forward their views, though not to their heart's content, but they were given an opportunity all right. I do not know whether he accommodated their viewpoint or not, but after that he put forward something new and amended it. Now he is bringing forward new amendments every day and that is good; there is nothing wrong in it. He wants that he should bring round his opponents, and taking their grievances into consideration, put forward an agreed legislation. With this idea in mind the Government have introduced this Bill and we are discussing clause 2 of the same. This Bill contains many different things, but if I have rightly understood, for the time being only two parts, *viz.*, those relating to marriage and divorce are to be taken up. If we are going to take up only one thing as suggested by Shri Gadgil, who has expressed the hope that it would demonstrate our might, I would request them to stop there if they have any idea of what is practicable. I repeat what I said in an earlier speech; and that is, the Government should wait till the next House is elected within four or five months. Those who will get elected to the next House, will put this question before their electorate before the people. This has become a burning question and it will remain before them. Put it before the people and the members of the next Parliament will get a mandate from them on this question or will tell their electorates what they would do when they sit in the new House. While speaking on the Child Marriage Restraint Bill in 1929, Qaid-e-Azam Jinnah had said, "It is necessary that children under 14 should not be allowed to marry. If my electorate does not agree to this, I will resign from the House, and they may elect somebody else to represent them". We should be definite about what we want. The idea that we should not antagonise anybody, now that we have reached the last stage, should not enter our calculations. The best possible draft of the Bill should be put forward before us and we should clearly know as to how far we are to go. Why should you put only one thing before us? We have to scrutinise every clause. Dr. Ambedkar has

become so impatient that he wants to bring forth a child, no matter if it is blind, devoid of limbs or unable to move. What he wants is a son so that he may have somebody to offer *Pindas* to him.

An Hon. Member: So that he may get deliverance?

Shri Bhatt: Pardon me. May he live for a thousand years; I am speaking only figuratively. If Dr. Ambedkar and Pandit Jawaharlal feel so strongly about passing the Bill, we will bring round those who have been termed as lunatics. Use whatever methods you like to bring them round. to repress them, we are with you and maybe we would also come under your influence but please refrain from passing a legislation that is incomplete, invalid and base. On the contrary it should be lofty. Why do you say that you do this and you do that just to accommodate us? Don't do it if you think it is not right. If we are elected to the next House we will say with more courage that we are armed with the mandate of the people on this question and we are not going to bow to the directives of anybody else. We will bow only to the will of the people. I am a quiet man and do not wish to prolong my remarks on this point. A couple of days back I had occasion to go to a factory. People working there asked me what all this fuss about the Hindu Code Bill was. I countered that question with the remark as to why they were afraid of this measure. They said "This is going to put an end to our religion, there would be chaos in our society and we will deteriorate." So I had a talk with them. Many of them were intelligent people, who had read the draft Bill. We should not think that those who are opposing this Bill are doing so without understanding it. They referred to the provision about divorce and said that these days they can get divorce more easily according to the prevalent customs. "Why should you", they said, "drag us into the court and make us say that a woman is immoral and make the women accuse their men of adultery? It is better to discuss these things in our *Panchayats* and people who understand the truth about a particular couple will separate them." Now, this needs a lot of consideration. Will Dr. Ambedkar argue that divorce rules, wherever they operate, are very lenient and should not be so because that will endanger Hindu religion? Hindu religion is not endangered because of that. There are others who say that Hindu religion will be endangered if this Bill is passed. We have to tax our brains to see which side is right. Everybody has to think. Then I asked those people in the factory as to what else they had in their minds. Then they mentioned the problem of the share of the daughter in her father's property. What I want to show is that those who are opposing the Bill are not lunatics and that they are not acting without intelligence. Some members of the *Adarsh Mahila Sangh* came to me and put the same question. Now they are also wise and reasonable. No doubt, the hon. Member Shri Renuka Ray, Shrimati Durgabai or other lady members are wiser and more well-read. But that does not mean that women outside this House do not understand the significance of things or, as somebody said, that they are mere blockheads. The ladies I referred to just now, started discussing and said that we should do nothing that may bring down the whole structure of society. We have opened a way by passing the Civil Marriages Act. Persons marrying under this Act can also give divorce. Why should we go further? Let our customs remain as they are. We do not say that a certain person should not do a certain thing. Gradually people would begin to understand.

Shri Kunzru has spoken about monogamy. People don't have enough to live on. In many cases it is difficult to support one wife even, how can everybody support two? Muslims are allowed to have as many as four wives, but has everybody four wives? In very few cases, men have two wives and very rarely one has four. I could not obtain census figures in this respect. Our Statistics Department is still far behind. The question now is, how Muslims came to be allowed to have four wives at a time. Hazrat Mohammad fought the battle of Ohad in which a large number of men were killed. The result was a preponderance of women over men for the protection and upkeep of whom those who could support upto four wives were ordered to take that number of women as wives. This thing has happened in Germany and France at different times. In our country there is more or less a parity between the numbers of men and women. The number of women is some thousands less than that of men.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

But if, unfortunately, the number of women goes up by two crores, a new legislation will have to be passed to meet the new situation. I am going into detail to show that our laws were made according to the demands of time and place and even now they are being made according to the same standards. Dr. Ambedkar wants a legislation of

[Shri Bhatt]

that sort but that legislation should have the effect of healing. In our country marriage is not a matter of convenience only. He may be of the view that marriage is merely a contract, pure and simple. These words have been used by leading lawyers. But the basis of our society is not only materialism. Our society is based on our ancient *Shastras*—the *Shastras* pertaining to agriculture, zoology and sociology. From the point of view of genesis the horse and the ass, belong to the same genus, as all of us are human beings. But human beings differ in different countries. A person likes the same sort of climate and environment in which he has been brought up. The same is the case with other living beings. Take somebody from Hissar to a new place and see the reaction. Take the case of trees for instance. Can a tree from Kashmir thrive in Rajasthan? Many attempts were made to plant mango trees in Rajasthan but they all failed. After all there is some principle behind it. Land, seed, water and climate, every factor has something to do with it. You can't plant a tree anywhere. The same is the case with marriages. You can't marry somebody to anybody. Even for trees one has to consider which tree can be grafted upon another. I don't want to go into details. My point is that our society is based on certain political, educational, hygienic, eugenic and sexological principles. If you want any proof of this, I will quote a portion of Dr. Bhagwan Dass's long speech which he delivered while presenting his Hindu Marriage Validity Bill. In this speech he quoted many things from the *Shastras*. Dr. Bhagwan Dass said:

> "The hygienic and eugenic and sexological principle is that every possible care and caution should be exercised and all possible cleanliness and purity secured in respect of food and marriage and that persons with similarity of tastes and habits and purity of temperament should dine together and marry together so that the individual and racial health and happiness may be promoted."

I do not see much in eating and dining. Even before Gandhiji I did not believe in this. But if you ask me to dine with a fish-eater I would ask to be excused. I do not consider him an untouchable, but I have formed a habit. If somebody asks me to marry a certain woman.....

Dr. Ambedkar: There are not so many fish that could be supplied to everybody.

Shri Bhatt: I was going through census figures and my friend Shri Sidhva and others may pardon me, when I say that I found from the census that many men marry at the age of 60 even. I, for one, do not want to marry.

I was saying that compulsion cannot be used in regard to our way of life. One's way of life should be according to one's own temperament. It will come about after some time if not today. I am sure that Panditji, in whatever he does, will have the country's interest before him; that is why we consider him as our leader. We would not consider him as our leader if we did not have any faith in him. In the same way we believe that whatever our parents will do, will be alright for us. If we do not have any faith in them we will ourselves seek our mates but then we shall take into account our nature. habits and convenience. Our faith is based on these things and we should not make any such law as may create difficulties for the society, or spread discontent. After all, the object of every legislation is to make society happy and prosperous. But if people think that a certain legislation brings them disaster, bring them round to your point of view. If Dr. Ambedkar is so particular about this Bill let him address a meeting of a lakh of people and explain to them the benefits that will accrue from it. At the same time a *pandit*, an opponent of the Bill, should also put forward his point of view. If those one lakh people were to express their views by means of a secret ballot, maybe that would satisfy you.

Shri Naziruddin Ahmad: That will be the end.

Shri Syamnandan Sahaya: Take a secret ballot in this very House and it will be the end.

Shri Bhatt: You are afraid and that is why you do not put it before the people. There was only one person, and that was Gandhiji who believed in putting everything before the people. He thought that untouchability should be abolished. The capitalists threatened to boycott him. When Gandhiji went to the Mulji Jetha Market of Bombay to collect money for the Tilak Swarajya Fund and asked for a crore of rupees for that fund, the capitalists said that they would give not one but five crores, only if Mahatmaji expunged the abolition of untouchability from his programme. Mahatmaji replied that on that condition he did not want even a single pie from them, not to say of five crores of

rupees. He said that he would stand by his principles and march forward towards *Swarajya*. It is the duty of the Government to go to the people. We are ordinary men, have not studied the *Shastras* to any great extent. You have wisdom, go to the *Pandits*, to the Shankaracharya, who is opposing it, go to those women who are against it and whom you want to make happy and try to persuade them. I don't think that this Bill is going to benefit only the women. I do not consider this to be a Magna Charta for women only. You are trying to benefit the whole of the society and I thank you for that. You should bear this in mind that the subject under discussion is not new. Not to talk of 1942, in 1937 Dr. Deshmukh had introduced a Bill which brought this matter to the foreground. In 1856 Shri Ishwar Chandra Vidyasagar and Raja Ram Mohan Roy brought about reforms like widow remarriage. These things have been going on. Authorities and commentators of our religious scriptures have written different things about the subject. I don't ask you not to pass this legislation. But why are you doing it today? Why are you so impatient? Please be good enough to wait for some time. General Elections are imminent and the new House will meet in May next year. At that time you may bring forward the best of legislations and pass it. Some of the present Members may again be elected and if I again sit in this House I will take part in the deliberations. But before that put the final draft of the Bill before the people and do not have an incomplete legislation and say—"Gokul Bhai, please get it passed". I do not want this. Give me something wholesome to eat. If you give me something dirty to eat or say that I should eat controlled rice, because nothing better is available, I won't have it. I will have something good to eat. It is another thing that hunger may compel me but if there is an alternative food I will prefer that. I would rather eat leaves of trees than eat anything dirty. So I request you to postpone this Bill. You have accommodated us to some extent and I want to thank you for that. I congratulate you on your sagacity because you have met the demands of time. But be more liberal and go a step forward. I would also ask my sisters what good would accrue to them if it is passed just now and how they would come to harm if it is delayed by four months. The skies would not fall, nobody would come to harm nor is there any question of monetary advantage if it is passed. That is why I am making this request.

I again refer to the talk I had with some people in a factory. They want the question of divorce to be settled according to custom. But what are Customs? Customs have a great influence, even Dr. Ambedkar won't deny this. What I am opposed to is that you want to do away with our customs. That will not work at least for some years to come. If you want to take the backward classes with you you will have to slow down your pace. Only in that case shall we follow you. Mahatmaji was very progressive. When Shri M. N. Roy came to the Faizpur Congress and began discussing Communism with Mahatmaji, he (Mahatmaji) said (I was not there. I am telling you what I came to know about their conversation)—"Mr. Roy, say whatever you want to say in the strongest possible words about present day society and capitalists". Mr. Roy made a strong and lengthy speech. Then Mahatmaji said, "Is that all?" And after that Mahatmaji replied in a few words which took only some minutes. Mr. Roy was surprised and asked if Mahatmaji felt that way. Mahatmaji said—"You don't know me well enough. I shall put forward my ideas, as our society makes progress. I know our society is backward and many ideas have not developed to the extent to which they should have. But I have to carry the people along with me." That is why I say, however high the ideas and whatever happiness they might bring, what are you Dr. Ambedkar going to achieve with 15, 20 or 25 members of the Cabinet, if we are not with you. I see that many people belonging to the majority accept a certain thing because Shri Nehru or Dr. Ambedkar has asked them to do so, but if I do it, who will follow me? I repeat that I will be deceiving you if I did not tell you that people do not want it in this way. I don't want to deceive you. As we are your followers so is our electorate with us. We have to see to their good and convenience. It has been said, as you know, "*Sastra rurhi baliyasi*" i.e., custom overrides the *sastras*. After all, laws are made by men, so were the *sastras*. When our customs have claims of precedence over *shastras*, why can't our society override our laws? I ask you to take this into consideration.

There is one more drawback which I would like to point out. Shri Kunzru is not in his seat, I would ask Dr. Ambedkar to excuse me. We have become so thoughtless that when the westerners say that our marriage laws and ceremonies are very good, we will agree with them. When MaxMuller says that our *shastras*, *upanishads* and *vedas* are the best in the world, we take that to be true and quote him.

[Shri Bhatt]

But our own commentators and authorities have said the same things in a better way, yet nobody cares to go through their writings.

I have been just now told that the copies of *'Yagnavalkya Smriti'* could not be available in the whole of Delhi city even on payment.

Dr. Ambedkar: I have got so many copies with me.

Shri Bhatt: If you have got the copies please lend them to us; they are not to be found in the Library. *Sanskar Kaustuba* and *Yagnavalkya Smriti* could not be found in the Library. You have got all these things, you might have personally purchased them; you are thirsty after knowledge and a lover of learning; not only that, you are a learned scholar and a *pandit* as well. But please place those copies in the library for some time so that we too may have a chance to benefit ourselves by those books, and may be able to have the necessary information. I have never been impressed with the translation of Gitanjali done by Yeats, because it has always been my endeavour, and I had made up my mind in this connection when I was at College, not to read Rabindra Nath's Gitanjali until I had learnt Bengali. I have always held that it is useless to read such a work without having the knowledge of the language in which it was originally written. I have not been able to learn Tamil so far, but I would try to learn it, such has been my tendency from my early days. When I saw Gitanjali in original and its translation by Yeats, I found a lot of difference. The translation did not contain anything worthwhile. Compared to it the translations in vernacular languages are much better. I have seen a more beautiful translation in Marathi done in *Abhanga* metre by some person under a pseudonym. But unfortunately we Indians generally close our eyes to those things which are our own and when somebody from outside throws light on them we exclaim 'Yes, now we have seen'. I would like to ask after all what flood lights are opened before our eyes by the foreigners which dazzle our eyes and we begin to appreciate those things? After all what are the defects in our own lights? What do you think is missing in the lights that we have? We should try to understand our own things in the right perspective and after a full realization should gladly make the necessary changes in them so that everybody may be satisfied, and it may be in the interests of all.

Now I come to the point as to what a Hindu really means, and wherefrom has this word 'Hindu' come? Sir, you would excuse me if I would take a few minutes more to throw light on this. My submission is that I do not like to go into the historical facts nor do I want to go into Greek and Iranian histories. Neither do I want to go into the details as to what relations we had with Iran and Greece in the past; but I would only make an attempt as to wherefrom has this word 'Hindu' come. My amendment wholly relates to this very thing. One opinion about the origin of the word 'Hindu' is that there were two cities in *Gandharva* Desh one of them was known by 'Hindas' from which the word 'Hindu' has been derived. The second opinion is that the word 'Hindu' is derived from the word 'Sindhu' the great river that we had and according to Philology letter 'S' has changed into letter 'H' and in this way the word 'Sindhu' changed in to the word 'Hindu'. The word *Hinduani* occurs at several places. It is difficult to ascertain the source of this word. I visited Central Secretariat Library but found it to be too poor. I have never seen a poorer library than this one. I asked for books related to this matter but I was told that they had no special collections on this subject, further adding that only some articles might have appeared in annual numbers of certain magazines here and there on this subject. That was all and there was nothing more in that Library. As against this, had I gone to the Royal Asiatic Society I could have definitely got some better and useful material, but, unfortunately, I did not find time to go there. Sometimes the Press Bill and sometimes this Hindu Code Bill and other things detained me here. Anyhow, I do not go into the details as to wherefrom has this word 'Hindu' come, and what its origin actually is. But one thing need be kept in view that the word 'Hindu' means the people who inhabit this land of Hind i.e., the whole of Bharat. All the people living in this land are Hindus, whether you call them by the name *Arya* or *Dasyu*. There were only two classes of people inhabiting India in the past; one was known as *Arya* and the other as *Dasyu*, but in spite of this distinction all of them were 'Hindus'. Hence, I would like to know what meaning should be attached to the word 'Hindu' in the Bill which is going to be passed into an Act now. After all, how many persons have been consulted as has been mentioned in the report and as was stated by Shri Kunzru? How many persons have given their opinions and how many of them have been included in it? But I do not want to bring in all those things.

Dr. Bhagwan Das, while discussing the Marriage Validity Act, explained as to who was a Hindu. He said that Hindu was not merely a nationality. When *'Shariat'* Act was introduced in the House most probably in the year 1937, his *Sufi* friend gave the definition of a Musalman which I read out here. While introducing the Bill in the course of his speech he said:

> "Islam has scores of sects but the belief in Mohammed seems necessary for all, though I am told that some sects do not consider the second part of *Kalema* of faith as essential and indispensable and regard Mohammed as one of the many prophets sent by God to help humanity on earth."

While replying that point and repudiating that view Sir Yamin Khan (Agra Division) said:

> "There is no Muslim who believes in this. It is essential for a Muslim to believe in both the parts of the *Kalema*, namely *'La ilaha illallah'* and *'Mohammed Rasulullah'*.

To this Dr. Bhagwan Das remarked "I have heard it from a *Sufi* friend". In reply Mr. Yamin Khan said: "Those who do not believe in the second part cannot be called Muslims."

In this way what I beg to submit is that I have suggested in my amendment that those persons, who have left Hindu religion and embraced any other faith but whose social customs are still like those of the Hindu Society, should be given the privilege to have this Hindu Code applied to them if they so desire. When Hindus are going to benefit by this Code why don't you allow others too to have its benefits? After all what objection have you got to that? There are some Indian Christians whose social customs are like those of the Hindus notwithstanding that they have embraced Christianity. As such why do you exclude them from its application, and why don't you allow them to have the benefits of the Code in the same manner as the Hindus would have?

I, therefore, request the hon. Doctor to keep all these things in view. Should I state which of the non-Hindu communities can benefit by it? I do not want to go into detail, but I certainly want to draw his attention to it. Take, for instance, Dr. Gour and Mr. Gupta who are great authorities on Hindu Law. They have given the names of those non-Hindu communities to whom this Code can apply. About Kutchi Memans.....

Shri Syamnandan Sahaya: You know it, he too knows it, but we do not know it. Kindly read them out.

Dr. Ambedkar: Do not be brief. But please read them out.

Shri Bhatt: The Meman Act which has been framed.....

Dr. Ambedkar: Do not mind about the time, but please read them out.

Shri Bhatt: I am going to read it out. It is laid down in the Kutchi Meman Act:

> "Whereas it is expedient to enable those Kutchi Memans who so desire to be governed in matters of succession and inheritance by the Mohmmedan law, it is hereby enacted".

The operative section is:

> "Any Kutchi Meman who has attained the age of majority and is resident in British India may by declaration in the prescribed form and filed before the prescribed authority, declare that he desires to obtain the benefit of the Act, and thereafter the declarant and all his minor children and the descendants shall, in all matters of succession and inheritance, be governed by Mohammedan law."

Shri Syamnandan Sahaya: It is an optional clause. So there is a precedent.

Shri Bhatt: So I hope the hon. Minister of Law would keep some sort of provision in it in the same manner in which some laxity has been allowed in the above clause, otherwise you are only limiting its scope. The then Home Member Mr. Henry Craik made a mention of it in his speech and said:

> "I think it deserves very careful consideration, whether it is not wise in those matters to give the individual the option and not to compel him to accept a rule or law of which he may be imperfectly informed."

Shri B. Das (Orissa): I think Sir Henry Craik was a bachelor—he did not understand society.

Shri Bhatt: I have taken this from the Debates of 1937 where it is given on page No. 2544 of Volume No. 3. Hence, my submission is that we too should keep a provision of this nature in it. Look into the Baroda Act which all of us appreciate. Baroda is several years ahead of us, ask them now where they are at present. Ask them what facilities they enjoy and from what

[Shri Bhatt]

difficulties they suffer, and how they enforce their various laws. They might perhaps admit that the old days were by far better. I do not say all that with any special motive. I hold that so far as social laws are concerned Mysore is ahead of all other parts of India. And if I am not wrong—Mysore friends would excuse me—Sir Sayaji Rao Gaekwad was the first to introduce Educational and Health reforms long before Mysore and other stepped in.

Dr. Ambedkar: He did a blunder;

Shri Bhatt: You want to take us, the people of Rajasthan, on to progress. We find that we are a tardy people and go slow. Our speed is that of a camel which cannot go along with the speed of your aeroplane. So it is good to slow down the speed of your aeroplane. The Baroda Hindu Code also lays down:

> "This Act shall apply to all persons domiciled in the Baroda State
>
> (a) who are Hindus by birth or by conversion to Hinduism or, to whom any part of this Act is made applicable by this Act, to the extent to which it is so applicable.
>
> *Explanation I.* The people to whom the Hindu law or any part thereof is applicable by custom and usage shall be deemed to be Hindus....."

Shri Syamnandan Sahaya: Which Code is this?

Shri Bhatt: The Baroda Hindu Code.

Shri Syamnandan Sahaya: Monogamy Act.

Shri Bhatt: Yes. It lays down:

> "The people to whom the Hindu law or any part thereof is applicable by custom and usage shall be deemed to be Hindus for the purposes of this Act in so far as the matters in respect of which the Hindu law or any part thereof is so applicable or concerned".

You have been saying that whomsoever would it apply to would be considered a Hindu whether he professes the Hindu religion or not. But I say all the people who live in India are Hindus. I do not say so from the cultural point of view alone, I am saying it from the English point of view as well. After all why are we called Indians or *Hindustanis*? As a matter of fact the word 'Hindu' refers to the man who is born in a particular territory and certainly not to his religion. And because it refers to the man born in a particular area rather than to the Hindu faith, it means that it covers all the people who inhabit that land. See the following:

> "(b) who have not renounced following the Hindu Law shall be deemed to be Hindus".

This is the thing and so I request the hon. Minister to accept my amendment. Now I come to the portion which is not still covered.

Shri J. B. Kapoor: Which of the amendments do you support specially?

Shri Bhatt: I support my amendment *i.e.* "Those who want to be governed". This covers everything that I want.

I would like to draw your attention to one thing more. Our hon. Shri Gadgil and Pandit Kunzru too have dwelt upon this point. When Sarda Act, *i.e.*, the Child Marriage Restraint Act was introduced in 1928, originally its title was the 'Hindu Child Marriage' Bill. But in 1929 when the report of the Committee was received, some alterations were made in it and its name was changed to "Child Marriage Restraint Bill". You know there were some Muslim members as well on that Committee. They opposed it. When it was discussed in the House in the year 1929 they again opposed it, but in spite of their opposition it was thought desirable to enforce it throughout the country as it was a good legislative measure. With the exception of Mr. Jinnah all the Muslim Members opposed its application to Muslims and said that their divines were opposed to it and as such it should not be applied to them.

If I remember well there was a Christian member, Mr. Chatterji, of the House in those days. He too pointed out that it went against their religion and as such it should not be applied to them. There were speeches of this nature. But in spite of all that opposition the Government applied it to all sections of the population because it was, in fact, a good measure. My submission is that if monogamy is really a good thing why don't you impose this restraint on all sections of the population and why do you leave out some people from its purview. Maybe some Muslim friends are having two wives—there are very few such cases in Hindu society. Generally it has been seen that people from lower classes alone keep two wives but they keep them

only to help them in their occupations. Broadly speaking, the majority of Hindus are monogamous either by nature or by circumstances. It is difficult to get even one wife, wherefrom can one get two? At that time it was stated in the Select Committee Report that:

> "The object of the Bill, as introduced in the Legislature, was to impose restraint upon the solemnisation of child marriages and the method adopted was, broadly speaking, that of declaring all marriages of boys and girls below a certain age to be invalid."

I would like to draw your attention to the fact that the aim and object of the Sarda Act was 'to declare the marriage to be invalid'. But afterwards it was altered. And why was it altered? It was done because it would have been very strict. You have to keep this thing in view. I would speak about monogamy when I would come to it. After making alterations it was laid down:

> "The Bill has been circulated under the orders of the Government and has elicited a strong expression of feeling that it is objectionable both on religious and on legal grounds to interfere with the validity of a marriage which has been performed.
>
> In our opinion, these objections are at present insuperable and we have accordingly acted upon a suggestion which has been widely made that the Bill should effect its purpose of restraining child marriages not by declaring such marriages to be invalid but by imposing punishments upon those who participate in them."

You would see what a difference it has made. The things that were formerly contemplated to be rejected, were not rejected. Those marriages were not made invalid. But some punishments were imposed on them. Further it was laid down that:

> "The Bill, as introduced applied to Hindus, Jains, Sikhs, Brahmos, Arya Samajists and Budhists and was a measure relating to the validity of marriage. As we propose to amend the Bill by making it a measure imposing criminal penalties on participants in a child marriage, it seems invidious that it should be restricted to those particular communities, since child marriages do occur, though not so frequently, in other communities. We propose, therefore, that the amended Bill should be general in its scope and apply to all classes and communities in British India."

This was a marked departure. They did it after fully appreciating the trend of the public mind and so the hon. Minister of Law should also go ahead after taking into view the trend of the society. This is my only request.

See what is laid down about the Indian Christians in the Christian Marriage Act. See what is laid down in the Parsi Act regarding the *bona fides* of the Parsees. This is a very limited definition. A Parsi is he who professes Zoroastrianism. There are several cults here in this country and people follow someone or the other. That is why I submit that all the people should be considered as 'Hindus'.

The Sarda Act has not been applied to Part B States so far. According to the amendment of 1950, the subject is in the Concurrent List and can be applied to any State. You can apply anything you like to those States as well. But in spite of that provision being there this Act has not been enforced in Part B States so far.

Shri B. Das: I hope Dr. Ambedkar takes note of this.

Dr. Ambedkar: All that would be cancelled.

Shri Bhatt: So I was speaking to the hon. Minister of Law about divorce. I respectfully want to submit that he should allow a law to continue so long as it does not go against the social customs. And for those persons who favour these reforms, provision for Civil Marriage is already there.

Dr. Ambedkar: For them too the door should be closed.

Shri Bhatt: Do not close the door for those for whom it is open, notwithstanding whether they come from the door or from the window. But allow the various customs to prevail in the various sections of the population, at least in those sections of the Hindu population who are backward in education and in other respects. Our hon. Minister of Law has not made a tour to peep into the actual working of the Hindu society. Please have such a tour and contact the people, show them your books and convince them about what you have brought for them. A real thing can never lose its reality, just as gold can never turn into a stone; it can only become refined gold. So please allow gold to become more refined and let them have time to understand what divorce actually means.

[Shri Bhatt]

Do not give rise to a dispute here. Those who favour such reforms are at liberty to make use of the Civil Marriage Act, and have the facility of divorce under that Act. You ask how those people, who are not married under the Civil Marriage Act, can have the benefit of divorce. I give you a suggestion in order to find out a way for them. Allow them to get their marriages registered under the Civil Marriages Act so that they may also have the benefit of having divorce, if they so desire. In this way they can have a wider door open for the fulfilment of their wishes.

Shri R. C. Upadhyaya: What do you suggest if the husband favours it and the wife does not?

Shri Bhatt: The wife listens to the words of her husband. She still considers her husband 'God' at home, notwithstanding the fact that she may be an educated one. But that does not mean that Hindus consider their wives as their serfs. She is the mistress of the house and a *Devi*. These are the words which are used for her. I do not believe that Hindu society is so degenerated as to consider its womenfolk as serfs. If anybody has any such impression, he should wash it off. I say even in those sects which are called backward, women are mistresses of their homes and their men do only what they direct them to do. In Rajasthan and other places there are several social customs which are included in the *Shastra* and that *Shastra* is known as the *Doshi Shastra*. People do every thing in the manner in which the old ladies advise them to do. If a *pandit* makes a mistake while performing a sacramental marriage ceremony, it is at once pointed out with the help of songs as to where he has committed mistake. If there would be any mistake in the *Saptpadi* etc. we at once come to know with the help of the songs as to where the mistake has actually occurred. In this way, all those customs go on with the help of the songs sung by womenfolk. Hence it should not be presumed that women are not honoured in Hindu society.

A drunkard might be a good man, a great man or an educated man but in spite of all that he is a drunkard. It only intoxicates a man, what else can be the effect of the drink. Whether a drunkard is from a backward class or from a higher class he or she is nothing more than a silly person.

Shri R. C. Upadhyaya: What should be done for them?

Shri Bhatt: Only the next day that intoxication would go by itself and everything would be all right. You do not know that that becomes their habit. All of us have a number of habits good and bad, and so far as intoxication is concerned I have come across a number of people who take two or three bottles of whisky at a time and still do not subject themselves to intoxication. The hon. Doctor might be remembering that there used to be a number of persons in the Bombay Bar Council who could not argue their case in the courts unless they had taken one or two pegs.

Mr. Chairman: May I know on which provision of clause 2 the hon. Member is speaking?

Dr. Ambedkar: We are discussing Evacuee Property Bill.

Shri Bhatt: Sir, I should be excused, there has been a little digression. But I would like to remind you that some of my friends talked about it. What I was submitting was that nobody stated that you were only bringing any deterioration or improvement in the Bill by keeping or not keeping any provision of monogamy in it. What is the necessity of imposing legal restraints on it? If you are bent upon imposing them we would have no objection, but then please impose it on all sections of the population of the country, because the Muslims too then would not feel about it. They too would agree that it is a good thing and that as such it should be applied to them as well. As Sarda Act has been applied to one and all, similarly its application too should be extended to all sections of the population. So far as divorce is concerned it is already prevalent in the Muslim community. Hence my request is that whatever legislation you like to make, it should be applied to one and all. Nobody should be excluded from its application, it should apply to Indians generally.

I admit that you have come up to appreciate us and to accommodate our viewpoint. You have become so much accommodating now that you have realized the position. And now if you do not want to do anything, at least please do one thing. Take out the marriage and divorce clauses from the original Bill, pass them as a separate law and make it applicable to all the Indians. If you would do that everybody would be happy over it, would praise you and would say that you have really done a brave deed. All opposition would go automatically; it would vanish and people would say that the Government have taken the right step which gives them the

maximum satisfaction. Although that would not be complete satisfaction, yet that would be the maximum under the present circumstances. So please adopt this course after taking into consideration the present day situation. When you would proceed to do it, you would come to know what more should it contain and what more improvements you ought to bring in it. (*Interruption*). Hence I request you to look towards them as well so that you may come to know where exactly the shoe pinches. The wearer knows where the shoe pinches. At that time you would come to know that the opposition is very strong. Several sisters would come here, would entreat you and then you would come to know about the real position. Several other people too would come here and you would come to know the extent to which this measure would be opposed. But I say do not mind the opposition from whatever quarter it may come. Wait for sometime and then as the Sarda Act was passed by the Government without caring for any opposition, similary pass a law which may apply to one and all. There is no question of time in it. Prepare a new draft Bill and when we meet in February next, put it before the House.

Shri Syamnandan Sahaya: It would be the month of *Phagun*. I think that would be the opportune time.

Shri Bhatt: Yes, it would be the month of *Phagun*. But whatever month it may be I most humbly put forth my suggestion. I do not say all this simply by way of a joke. It would certainly benefit the whole of India. Why do you benefit a few selected Hindus only, benefit the whole nation. Send your invitation to all and make this law a perfect one.

With these words, Sir, I request the hon. Minister to think over my suggestions. Last of all I appeal to you that this is not the opportune time to go ahead with this legislation. Stop there, it would bring no harm to the country, it would only bring cheers to the Government. Sir, I have certainly taken much of your time, but I did not make an effort to prolong my speech in any way. I would request the hon. Minister who is the representative of the Government here, to consider our humble but plain request so that it might bring glory to our Government.

Sardar B. S. Man: Sir, I thank you very much for calling me to explain my position.

I have moved an amendment that the Sikhs be absolved from the operation of this Bill and that the Sikh community be not brought in to the

orbit of this Bill. I would have very much liked to have moved an amendment not embracing simply our community in terms of Sikhs, or Hindus or Muslims; but looking at the main clause as it has been framed, I was forced to use this word. I would have very much preferred to have used a territorial term saying that the *Punjabis* be absolved, or certain agricultural classes be absolved. But, since the framers of the Bill themselves have used the word Hindu, Jain, Buddhist and Sikh, I have moved an amendment in these terms. In fact, I have an amendment to clause 1 that the operation of the Bill be not extended to Punjab and P.E.P.S.U. I base my arguments not on narrow communal or religious grounds. I shall come to that later. I do not minimise the fact that this attempt to bring the Sikhs under the domain of Hindu Law will savour of bad political communal taste.

The other day, the learned Doctor cited a case to show that the Sikhs have all along been governed by the Hindu Law. With all apologies to him, I may point out that the law that he has cited was confined to the non-agriculturist properties. The Sikhs mainly comprise agriculturists. In fact the agriculturist Sikhs comprise 95 per cent. of the Sikh community. When you have to discern clearly and generalise in this way as to what law applies to them, you have not got to see that commercial classes of the Sikhs, the *khatri* Sikhs or other Sikhs who are resident in the cities, but you have got to look to the main community, the agriculturist Sikhs and see what their law is. And I can cite not one, but innumerable cases. I can cite case after case to prove that in the Punjab the agricultural Sikh, along with other agricultural classes were all along governed by a secular law—and here incidentally it was an advance far ahead of what is proposed in this Hindu Code. So, I say we are there absolutely governed by a secular law. There we have got a uniform law for the agricultural population who form the bulk of the population. We should not look at the law governing the microscopic minority of the people. We have to look at the law that prevails among the main bulk of the population, the main bulk which in this case forms about 95 per cent. of the population there. There, as I have said, we have an advanced law, that whether he be a Muslim or a Hindu or a Sikh, we are governed so far as succession to property is concerned, by one common law, and that is the customary law. But here you are bringing forward this Hindu Code and so I confront you with the statement that we have got one

1 P.M.

[Sardar B. S. Man]

common, uniform law which cuts across all communities and all narrow communalism in the Punjab. But by this measure you are trying to introduce for the first time communalism in the Punjab. (*Interruption*). Yes. The customs are there and they are due to the long usages which have been recognised. Various attempts have been made to over-ride customs; but all this is bad and it will be a bad policy and quite definitely an ill-advised policy, to promulgate laws from the top and then within these fifteen days change the entire structure of society there which has come through for a very long time and which has imbibed in itself the wisdom of the ages and the spirit of the time. I am not saying that because a particular law has been laid down by a particular old *Brahmin* and so it cannot be touched or changed. I am not basing my argument upon that sort of sanctity. I only say that the custom has come down to us and it has developed, due to the lack of rigidity it has imbibed into itself certain practical usages, usages very useful to the genius of the people there. I will come to this part later on. Here I only refer to it to say that custom over-rides the written text. The custom in the Punjab has been there and is still the law there.

Apart from that, I shall prove also that my customs are far more advanced than this retrograde step that is now being proposed. They are much more advanced in many respects.

I ask that the Sikhs be absolved from this Bill, for this reason also. It will surprise hon. Members, as it has surprised me, that all along, since the introduction of the Hindu Code Bill in this House by Mr. Mandal—in fact though Dr. Ambedkar is trying to improve upon that Bill, nevertheless he is carrying Mandal's baby—since the introduction of that Bill up to now, there has not been a single Sikh Member on the Select Committee.

Dr. Ambedkar: Giani Gurmukh Singh?

Sardar B. S. Man: No. No Sikh opinion has ever been consulted on this vital question. Nor has there been appreciable agitation among the Sikhs because we were told that the agricultural property will be an exception under this Hindu Code Bill, and this led to a sort of indifference among the Sikh community towards this Bill. 95 per cent. of the population thought that this Hindu Code Bill was not going to touch them in a vital way.

Shri A. C. Shukla: Have the Sikhs passed any resolution against the Code in any of their conferences?

Sardar B. S. Man: I can speak for the Sikhs much better than the hon. Member. There are a few ladies here and on such a vital matter as this they are consulted and listened to and their advice is accepted. But in this House we are seven Members of the Sikh community and I challenge the hon. Member to produce a single Member of the Sikh community who is in favour of this Bill completely and totally?

Shri A. C. Shukla: What about those outside the House?

Sardar B. S. Man: Again and again on the floor of this House, speaker after speaker has pleaded, let us not proceed with the majority of the Members here. Let us conduct a referendum of the people outside. If that is what you want, let it be referred to a referendum of the Sikh community. Till then it should not be passed with the majority of the Hindu Members here. I am not a Hindu. I have never followed the Hindu Law. I am constrained to say that this law is a conversion law for the Sikhs. You are bringing in totally obnoxious principles, certain novel innovations which have never been followed and which in the villages have never been heard of and you are forcing down our throats something alien to us. Even the ladies here, though few, are consulted and listened to and we the seven Members are unanimous about Sikh opinion that certain provisions which are retrograde and obnoxious should not be forced on us. My friend asks whether they have passed any resolution to that effect. My grievance is that Sikh opinion has not been consulted. The very fact that Dr. Ambedkar has not received the memoranda of the Sikh societies and S.G.P.C., which is an authentic body to speak on behalf of the Sikh community so far as their personal law is concerned as also their religious precepts shows that the Sikh community has not been consulted .....

Sardar Hukam Singh (Punjab): Resolutions have also been passed in certain Sikh conferences against this Code.

Sardar B. S. Man: My hon. friend Sardar Hukam Singh enlightens me that there have been resolutions. At the time of the original introduction of the Bill or at the time of the formation of the Select Committee no Sikh Member was either consulted or represented on the Committee. Dr. Ambedkar says that Gyani Gurmukh Singh Musafir was there. Would he then listen to his advice, if he was there? If there had been a single Member of the Sikh community would he give due weight to his opinion? He

was not a member of the Select Committee then but when the House adjourned and later when Dr. Ambedkar agreed to consult more *pandits* and he had a sort of informal conference, incidentally then Sardar Gurmukh Singh Musafir was asked to give his opinion. If as he says that he consulted Sikh opinion in the person of Sardar Gurmukh Singh Musafir then please listen to his advice so far as the Sikh community is concerned. But the Government did not think it proper to include Sikh Members in the Select Committee and we of the Sikh community were never really agitated because till this day we were led to believe that agricultural property would not be touched and will be made an exception. Suddenly when this Bill is introduced we find that in his wisdom he has brought even agricultural property within the purview of this Bill. We were indifferent in the original instance because of the exemption of agricultural property and we never really applied ourselves to the provisions of the Bill. Now this Bill has suddenly emerged: it is a hotchpotch, it is retrograde in many respects and an advance in some other respects, it is a heterogenous combination and it is thrown at our face asking us to accept it I frankly admit that I for one fail to comprehend its provisions and much less will the illiterate person or peasant in the villages. Much less so an illiterate person, a peasant in the field, because the peasant was told, "Do not be worried because it is not going to touch you". My grievance is that Sikh opinion was not consulted to any appreciable degree. And now when you pass this Bill with the help of the Hindu majority here, it will leave a very bad taste and memory in the minds of the Sikhs that in spite of their unanimous opposition to the Bill, in spite of the fact that they were led to believe that most of the provisions of the Bill will not apply to them suddenly, at the fag end of the session it was passed much against the will of the community.

An Hon. Member: Then let your Members show the opposition.

Sardar B. S. Man: Yes. My esteemed friend, Sardar Hukam Singh who can speak on behalf of the Sikhs in a much better capacity than myself has shown his opposition. After all, it is not a political matter that you may not accept his advice. It is not such a matter in which because he sits in opposition his opinion may be declined. On matters of personal law, on matters of religious precepts, on matters of adoption of Hindu communal law, you must accept the opinion of the representatives here; and we are unanimously opposed to it. And if in spite of our opposition you proceed and make the provisions applicable, then it will be a strange thing—it will go down as something autocratic, something savouring of the communal. It so happens that we are only seven Sikh Members here. But we want that so far as religious matters are concerned, so far as personal law is concerned, due weight should be given irrespective of the fact that a section may be numerically very much weaker. You have already made exceptions. I am not arguing on these lines because you have made exceptions. Because a Muslim is allowed to marry four wives, I do not say that I should be allowed to marry four times. The fact is that you have made exceptions. Why? Because you found that the law of the Muslims, the law of the Christians, so far as their personal law was concerned, was absolutely different. And since it was completely different and in many respects diametrically opposed to the Hindu Code, therefore you made an exception so that it may not be forced down their throat. That way you gave a latitude and thus you accepted the principle that irrespective of the fact that the Hindus may be in majority here they will not force a law of theirs, so far as their personal usage, religious precepts, etc. are concerned, down the throat of any minority. If you have accepted this because the Muslim Law and the Christian Law and even the Parsi Law is fundamentally different, then I may be permitted to prove on the floor of this House—on any given subject that you are trying to legislate, for example, marriage, succession or divorce—that the Sikh Law is entirely different. Then I claim the exception which you have extended to the Muslims. Because the Muslims proved that they were governed by an entirely different set of laws they were given an exception. And if I prove here that I am also governed, in every single item which you are trying to legislate here, by a different law, and that my law is fundamentally different from yours, then I claim the same concession which has been extended to Parsis, Muslims and Christians should be extended to me also.

Mr. Chairman: The hon. Member may continue tomorrow.

The House then adjourned till Half Past Eight of the Clock on Wednesday, the 19th September, 1951.